

P.B. #04-32 TPS SOIL RECLAM RIVER  
ROAD (BEDETTI) AMEND SPEC PERMIT

TOWN OF NEW WINDSOR  
PLANNING BOARD  
~~APPROVED COPY~~  
DATE: 2-24-05

TOWN OF NEW WINDSOR  
PLANNING BOARD

~~APPROVED~~ COPY  
withdrawn

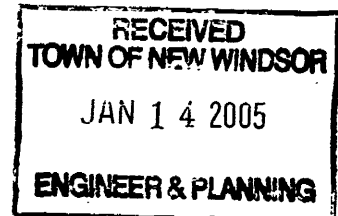
DATE:

Closed 2-24-05



7400 E. McDONALD DRIVE  
SUITE 3-123  
SCOTTSDALE, AZ 85250  
PHONE (480) 367-5885  
FAX (480) 367-6938

The Planning Board  
Town of New Windsor  
Town Hall  
555 Union Hall Avenue  
New Windsor, NY 12553-6196



Re: TPS Soil Recyclers of New York

Dear Board Members:

I am writing to you in connection with the recent application of TPS Soil Recyclers of New York seeking Planning Board approval to amend Town Planning Board approval to permit soil remediation twenty one (21) hours a day as authorized by the New York State Department of Environmental Conservation.

At this time the applicant has decided to withdraw the application it filed with the Planning Board for amended site plan approval and a change in the hours of operations.

We may, in the future, reapply to the Planning Board to conform our site plan approval to that authorized by the New York State Department of Environmental Conservation but, at the time, we are formally withdrawing the present application without prejudice to a future application.

Thank you for courtesy in this matter.

Very truly yours,  
T.P.S. Soil Recyclers of New York

Jan Haemers  
TPS Technologies, Inc. President



cc: M.E.  
G.M.  
P.C.  
J.P.  
J.M.  
1106 RIVER ROAD  
NEW WINDSOR, NY 12553  
PHONE (800) 799-8778  
FAX (845) 562-9566

June 9, 2005

Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12553

**Attn: Mr. Mark J. Edsall, P.E.**  
**Engineer for the Town**

**Re: Air Monitoring of TPS Technologies' Soil Recycling Facility**

Dear Mr. Edsall:

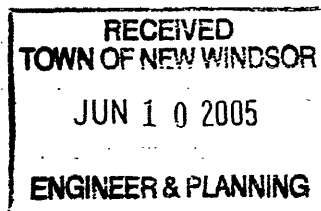
This correspondence is to confirm TPS Technologies Inc. (TPS) receipt of your letter of May 6, 2005 in which the Town of New Windsor requests permission "to retain the services of an independent air monitoring company to perform on-site continuous and intermittent monitoring of the facility's air discharge". TPS is giving serious consideration to the Town's request. However, we seek additional clarification. TPS must thoroughly understand exactly what it is that we would be approving. In that regard, please answer the following questions in sufficient detail to allow us to arrive at an informed decision:

1. Define what is meant by the terms "continuous monitoring" and "intermittent monitoring" of our air discharge. By the term "air discharge", do you mean our stack exhaust gas? At what frequency and at what duration would the monitoring events take place?
2. What parameters would be measured and what test methods would be employed?
3. Would TPS have immediate access to the data and/or report whenever the analysis is complete?
4. If TPS meets all NYS Department of Environmental Conservation emission limits as specified in TPS' Air Certificate to Operate during the monitoring event(s), is that the Town's sole passing scenario for approval or acceptance?

Please direct your written response to my attention at the following address:

TPS Technologies Inc.  
1185 Deer Lake Circle  
Apopka, FL 32712

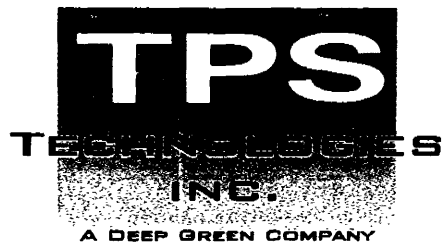
If you have any questions regarding this correspondence, please contact me by telephone at (407) 814-0963. Thank you for your consideration in this matter.



Respectfully,

Blair W. Dominiak  
Manager, Regulatory Compliance

cc: A. Bedetti - TPS



1106 RIVER ROAD  
NEW WINDSOR, NY 12553  
PHONE (800) 799-8778  
FAX (845) 562-9566

## **ENVIRONMENTAL AUDIT INFORMATION**

# ENVIRONMENTAL AUDIT INFORMATION

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8. CERTIFICATE OF INSURANCE
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## 1. FACILITY SUMMARY / PROJECT INTRODUCTION

## FACILITY SUMMARY

### A. GENERAL INFORMATION

1. Facility Name:      TPS Technologies Inc.  
                                 (TPST Soil Recyclers of New York Inc.)
2. Address:              1106 River Road  
                                 New Windsor, NY 12553
3. Phone Number:      (845) 562-8778
4. Fax Number:         (845) 562-9566
5. Site Contact:        Aly Bedetti, Facility Manager  
                                 Anastasia Ward, Client Service Manager

### B. OWNERSHIP

1. Facility is a Subsidiary of:      TPS Technologies Inc.  
   7400 E. McDonald Drive  
   Suite 123  
   Scottsdale, AZ 85250
2. Number of Employees:           Facility Manager                   1  
   Client Service Manager        1  
   Technical Supervisor          1  
   Operators                        5
3. Form of Ownership:              Corporation
4. Dunn & Bradstreet Number:      36-125-3925  
    Dunn & Bradstreet Rating:      4A2



### C. SITE CHARACTERIZATION

1. Previous Industrial Users of Property: Bulk Storage Fuel Terminal
2. Property Size: 4.44 Acres Total; 1.97 Acres Developed
3. Number of Monitoring Wells: 3
4. Description of Facility: (Soil Remediation Facility)

Utilizes a rotary kiln and afterburner system to thermally treat and destroy hydrocarbons from soil.

Includes a 24,700 square foot processing building with a 55' ceiling height at its peak. Building is a pre-manufacture steel Structure with 12 inch thick steel reinforced concrete walls and a 6 inch steel reinforced concrete floor.

Enclosed warehouse has an impermeable base for storage of Untreated soil. The building has two 40 mil liners each with its Own leachate collection monitoring system underneath the entire structure.

### D. MATERIALS ACCEPTED / APPROVAL TIME

TPS accepts and thermally treats non-hazardous petroleum-contaminated soil (PCS). Contaminants include Fuel Oils (#s 2, 4 and 6), Kerosene, Diesel Fuel, Gasoline and Jet Fuel, lubricating oils and petroleum based waste oil. Additional hydrocarbon contaminants are acceptable on a case-by-case basis and require prior approval by the NYSDEC.

Average turnaround time for Generator Waste Profile Sheet approvals is one to two days.

### E. OPERATIONS

1. Receiving Hours: 6:00 a.m to 6:00 p.m., Monday through Saturday
2. Operating Hours: 6:00 a.m. to 10:00 p.m., Monday through Saturday (NYSDEC permit allows 21 hrs/day)
3. Processing Capacity: 525 tons of PCS per operating day per Soil Recycling Unit (currently one unit at site)
4. Storage Capacity: 11,250 tons unprocessed soil (under roof)

#### **F. Permits**

1. NYS DEC #3-3348-00150-00001-0

Part 360 Solid Waste Mgmt. Facility - exp. 12/01/00 (issued 11/09/95)

SPDES #NY-0024261 - exp. 12/01/00 (issued 12/01/95)

Part 212 Air Pollution Control - exp. 12/23/96 (issued 12/23/94)

2. Copies of Permits: See Section 12
3. Facility Does Not Accept RCRA Hazardous Waste.

#### **G. DESCRIPTION OF WASTE WATER TREATMENT PROCESS**

1. Facility Process Type: Thermal Desorption
2. General Process Overview: See Section 9

#### **H. SERVICE AVAILABLE**

1. Thermal Treatment
2. Recycling
3. Transportation \*
4. Site Supervision
5. Loading \*
6. Laboratory Analysis \*
7. Sample Collection

(\*) Services available through subcontractors

## PROJECT INTRODUCTION

TPS Technologies Inc. Recognizes the necessity for alternate measures needed to handle the constant industrial problem of disposing or recycling petroleum contaminated soil (PCS). With waste water minimization and recycling being the most sought-after options for environmentally-concerned generators, TPS's New York soil recycling facility provides a solution which satisfies the generator and the regulatory environmental agencies and alleviates future liabilities.

Soils contaminated with petroleum products have become a widespread disposal problem throughout New York State and all over the United States. Petroleum spillage from fuel storage tank releases, transportation incidents, industrial operations and a variety of other sources have become increasingly prevalent in recent years. Since petroleum releases are a threat to surface and groundwater supplies, clean air and wildlife, clean-up and proper disposal or recycling of the contaminated soil becomes very important.

The recent closing of many New York State and Northeastern landfills and the non-acceptance of soil contaminated with petroleum products have caused many generators disposal problems both economically and in terms of future liabilities. The few landfills in New York State that are accepting petroleum-contaminated soil (PCS) are often in locations where gate disposal fees and transportation costs become an economic hardship to the generator.

The liability of the land filled soil is also a burden which has caused substantial concern to generators since the soil is mixed with other generators' waste. Should there be a future problem with contamination at the landfill, these generators can be named as responsible for the cleanup action.

TPS' local solution to this problem is our New York facility which removes the petroleum contaminants via thermal desorption and destroys the hydrocarbons. After thermal treatment, these soils are recycled into various construction grade materials and fill materials. Clients receive a certificate guaranteeing renewal of the soil.

The soil remediation unit (SRU) used for this recycling process consists primarily of a rotary kiln, afterburner and a baghouse. A general process overview can be found in Section 9.

## **2. DIRECTIONS TO FACILITY**



**NEW WINDSOR, NY 12553**

**PHONE (800) 799-8778**

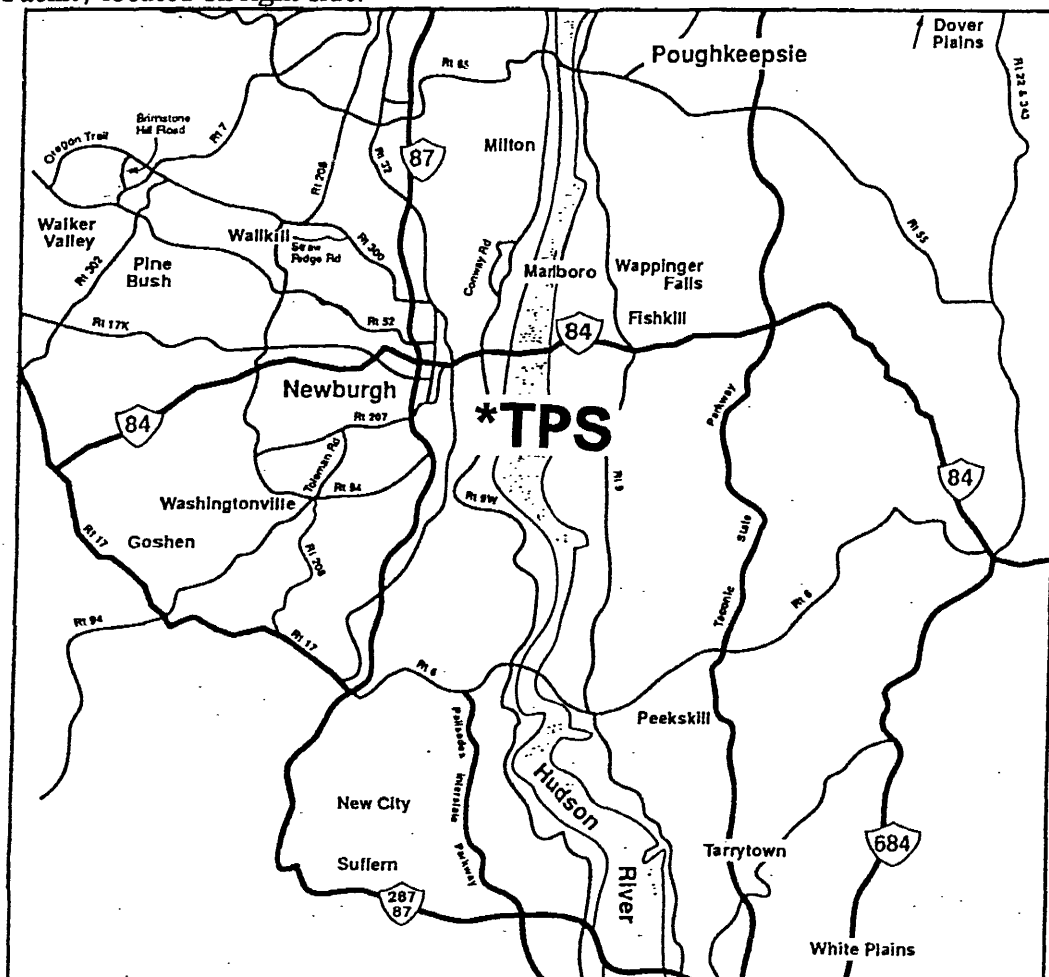
**FAX (845) 562-9566**

**Directions To Facility (Truck Route)**

87 North (NYS Thruway) to exit 17 (Newburgh/Stewart Airport/84E)  
 -Follow signs to 84 East - 84 East to Exit 10 - right at light (9WS/32S)  
 -Follow 9WS to Union Ave. Left at light (On to Union Ave.) Come to  
 stop sign ("T" section in road) Left on to River Road, follow to bottom  
 of hill, facility is on your right.

### Directions from Stewart Airport

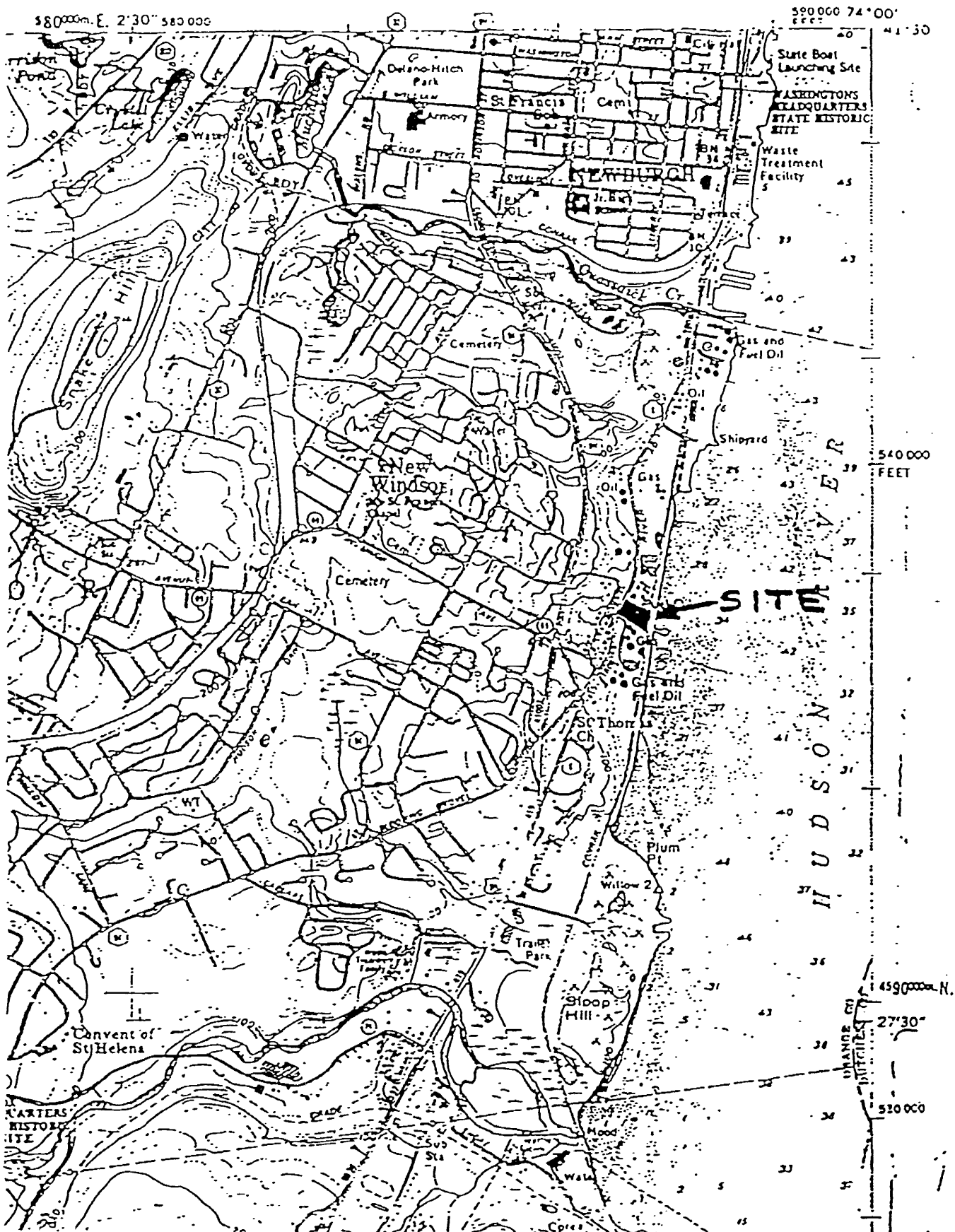
Approximately 5 miles East of Stewart Airport. Exit Airport heading East on Route 207. Continue East on Route 300/207 one light past 207/300 intersection. Left onto Union Avenue. Union Ave. "T" section into River Road after approximately 2.5 miles. Left onto River Road to bottom of hill. Facility located on right side.



### 3. SITE MAP

# CORNWALL QUADRANGLE NEW YORK 7.5 MINUTE SERIES

WAPPINGERS



#### **4. SAMPLING AND ANALYTICAL REQUIREMENTS**



## SAMPLING AND ANALYTICAL REQUIREMENTS

### I. Soil Acceptance Criteria

TPS Technologies Inc. (TPST) requires all projects or sources of contaminated soil to be profiled and analyzed before they are accepted at the facility for treatment. The facility requires a Generator Waste Profile Sheet that includes frequency of testing and acceptance criteria which complies with the general requirements of STARS Memo #1, approved NYS standards and the requirements of our Solid Waste Management Permit. A sample Generator Waste Profile Sheet for this facility is included in Section 5. Generator soil sampling frequency and laboratory analysis requirements are found on page 2 of 2 of this profile (Figure 1).

To prevent acceptance of hazardous waste, TPST sales personnel review the project with respect to the history of the site, generator knowledge, type of contaminant, how the contamination occurred and compliance of the site analytical results as submitted with the Generator Waste Profile Sheet. The generator of the material must complete this sheet prior to TPST's acceptance of the soil and certify that the soil is non-hazardous. It should be noted that this is only the initial level of review in the internal process of soil approval/rejection conducted by TPS Technologies on all potential petroleum-contaminated soils (PCS).

The profile sheet identifies the Generator of the soil, the site address, any consultant working on the project that may be representing the generator, the estimated volume of soil, the laboratory conducting the testing and signatures of the generator and/or environmental firm that represents the generator as an authorized agent.

Only non-hazardous PCS shall be accepted for treatment. Acceptable contaminants include: #2 Fuel Oil, #4 Fuel Oil, #6 Fuel Oil, Kerosene, Diesel Fuel, Gasoline, Jet Fuel, lubricating oils and petroleum-based waste oil as defined in 6NYCRR Part 360. Additional hydrocarbon contaminants are acceptable on a case-by-case basis and require prior approval by the NYSDEC.

The maximum limit of petroleum content in the soil to be processed is 10,000 ppm. If higher values of petroleum content are encountered on a particular job site, blending with lightly contaminated PCS already at the TPST facility will occur such that the material to be processed into the unit does not exceed the maximum 10,000 ppm limit. Records detailing blending ratios and the concentration of the PCS used for blending will be maintained at the facility for a period of five (5) years as required by permit.

**SITE HISTORY (CONT'D)**

THIS SITE IS LOCATED IN AN

- ☐ AGRICULTURAL AREA  
☐ INDUSTRIAL AREA  
☐ COMMERCIAL AREA  
☐ OTHER (PLEASE LIST)

INDICATE ANY KNOWN OR SUSPECTED PRESENCE OF THE FOLLOWING:

TYPE	YES	NO
PESTICIDES	<input type="checkbox"/>	<input type="checkbox"/>
HERBICIDES	<input type="checkbox"/>	<input type="checkbox"/>
ARSENIC	<input type="checkbox"/>	<input type="checkbox"/>
LEAD	<input type="checkbox"/>	<input type="checkbox"/>
PCB'S	<input type="checkbox"/>	<input type="checkbox"/>

PROVIDE A NARRATIVE DESCRIBING SITE HISTORY, INCLUDING PAST AGRICULTURAL OR INDUSTRIAL ACTIVITIES, ANY KNOWN OR SUSPECTED RELEASES OF CONTAMINANTS, ANY MIGRATION OF CONTAMINATION ONTO THE SITE FROM OFF-SITE SOURCES AND A SUMMARY OF ANY HISTORICAL SAMPLING RESULTS. THE GENERATOR MUST FULLY DISCLOSE ANY AVAILABLE INFORMATION PERTAINING TO THE IDENTITY, CHEMICAL AND/OR PHYSICAL CHARACTERISTICS OF THE CONTAMINANTS KNOWN TO BE PRESENT.

**SAMPLING FREQUENCY AND LABORATORY ANALYSES**

PLEASE CHECK APPROPRIATE BOX BELOW AND ATTACH ALL REQUIRED ANALYTICAL REPORTS, INCLUDING TEST METHODOLOGIES USED. COMPOSITE SAMPLES, EACH CONSISTING OF THREE TO FIVE GRAB SAMPLES TAKEN AT VARIOUS DEPTHS OR FROM DISCRETE AREAS IN THE PCS, SHOULD BE COLLECTED WITH THE FOLLOWING FREQUENCY: ONE (1) SAMPLE FOR THE FIRST 150 TONS, TWO (2) SAMPLES FOR 300 TONS OR LESS, THREE (3) SAMPLES FOR 750 TONS OR LESS, AND ONE (1) ADDITIONAL SAMPLE FOR EACH 750 ADDITIONAL TONS. ALL ANALYTICAL TESTS MUST BE PERFORMED BY A LABORATORY CERTIFIED BY THE NYS DEPARTMENT OF HEALTH'S ENVIRONMENTAL LABORATORY APPROVAL PROGRAM.

☐ I CERTIFY THAT THE SOIL REFERENCED HEREIN IS CONTAMINATED SOLELY BY VIRGIN PETROLEUM PRODUCTS FROM NON-INDUSTRIAL OR NON-AGRICULTURAL SITES: (CHECK APPROPRIATE BOXES BELOW IF ANALYTICAL RESULTS ARE ATTACHED.)

☐ I CERTIFY THAT SOME OR ALL OF THE CONTAMINANTS IN THE SOIL REFERENCED HEREIN IS USED OIL OR SOME OTHER NON-VIRGIN PETROLEUM PRODUCT, OR VIRGIN PETROLEUM FROM AN INDUSTRIAL OR AGRICULTURAL SITE. (CHECK APPROPRIATE BOXES BELOW IF ANALYTICAL RESULTS ARE ATTACHED.)

☐ TOTAL PETROLEUM HYDROCARBONS (EPA METHOD 8015M OR 418.1)

☐ TOTAL BENZENE (EPA METHOD 8020)\*

☐ TOTAL LEAD (EPA METHOD 6010, 7420, OR 7421)\*

\*NOT REQUIRED FOR SINGLE FAMILY RESIDENCES

☐ TOTAL PETROLEUM HYDROCARBONS (EPA METHOD 8015M OR 418.1)

☐ TOTAL BENZENE (EPA METHOD 8020 OR 8021)\*

☐ TOTAL HALOGENATED ORGANICS (EPA METHOD 9020, 8010, 8021, 8240, 9252 OR 9253)

☐ TOTAL PCB'S (EPA METHOD 8080)

☐ TOTAL METALS CONCENTRATION FOR (1) THROUGH (8)\*

- ① ARSENIC      ⑤ CADMIUM  
② BARIUM      ⑥ CHROMIUM  
③ LEAD        ⑦ MERCURY  
④ SILVER      ⑧ SELENIUM

\*IF ELEVATED BENZENE OR TOTAL METAL CONCENTRATIONS ARE DETECTED, ADDITIONAL ANALYSES FOR TCLP BENZENE OR TCLP METALS MAY BE REQUIRED.

**GENERATOR CERTIFICATION**

NO SOILS REFERENCED HEREIN MAY BE DELIVERED UNTIL THIS CERTIFICATE IS RECEIVED AND APPROVED BY TPST, AND TPST ISSUES SOIL TRACKING FORMS AND ASSIGNS A DELIVERY DATE. IF ANY SOILS DELIVERED TO TPST ARE FOUND TO BE "HAZARDOUS WASTE" PURSUANT TO FEDERAL OR NEW YORK STATE REGULATIONS, CLIENT SHALL BE SOLELY RESPONSIBLE FOR THEIR REMOVAL. IF CLIENT FAILS TO SO REMOVE SUCH SOILS, TPST, ACTING AS CLIENT'S AGENT, MAY ARRANGE FOR SUCH REMOVAL AT CLIENT'S EXPENSE.

THIS IS A COMPLETE AND ACCURATE DESCRIPTION OF THE SOIL REFERENCED HEREIN; NO DELIBERATE OR WILLFUL OMISSIONS HAVE BEEN MADE AND ALL KNOWN OR SUSPECTED HAZARDS HAVE BEEN DISCLOSED HEREIN. THE SITE HISTORY NARRATIVE AND ALL REQUIRED ANALYTICAL REPORTS ARE ATTACHED.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, THAT: (A) I AM A RESPONSIBLE OFFICIAL OF THE GENERATOR, (B) THE TRANSPORT AND TREATMENT/RECYCLING OF THE CONTAMINATED MATERIALS DO NOT VIOLATE ANY LAWS OR REGULATIONS OF THE STATE OF ORIGIN, AND (C) (INITIAL APPLICABLE STATEMENT BELOW):

[ ] THE PETROLEUM CONTAMINATED MATERIAL FROM THIS SITE ORIGINATED FROM A RELEASE OF VIRGIN PETROLEUM PRODUCTS AND IS NOT HAZARDOUS WASTE AS DEFINED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), THE STATE OF NEW YORK OR LOCAL REGULATIONS, AND THAT NO OTHER KNOWLEDGE CONCERNING LISTED HAZARDOUS WASTES OR TCLP CONSTITUENTS HAS BEEN WITHHELD.

— OR —

[ ] THE PETROLEUM CONTAMINATED MATERIAL FROM THIS SITE ORIGINATED FROM A RELEASE OF NON-VIRGIN PETROLEUM PRODUCTS AND IS NOT A HAZARDOUS WASTE AS DEFINED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA), THE STATE OF NEW YORK OR LOCAL REGULATIONS, AND THAT NO OTHER KNOWLEDGE CONCERNING LISTED HAZARDOUS WASTES OR TCLP CONSTITUENTS HAS BEEN WITHHELD.

GENERATOR/OWNER AUTHORIZED SIGNATURE

DATE

TYPED OR PRINTED NAME

TITLE

Other information requested on the profile sheet identifies the actual test requirements of soil acceptance to the facility. Soil testing requirements are split into two (2) classifications:

- Testing for soils contaminated solely by virgin petroleum products such as leaking underground storage tanks;
- Testing for soils with contaminants originating from waste oil or other non-virgin petroleum product or virgin petroleum from an industrial or agricultural site.

The generator must identify the source of the contaminated soil and TPST will determine the exact testing requirements. These tests will be as prescribed by the permit. All testing must be performed by a New York State certified laboratory and be less than one (1) year old.

The entire package of analytical data, site history and the profile sheet is sent to the facility for review and approval by the Facility Manager prior to soil acceptance. Additional testing may be determined to be required after review, depending on site history and generator knowledge. Soil testing requirements and review of all analytical data ensure that all soil is of non-hazardous nature prior to acceptance at the facility. This is the second level of review required by TPST prior to formal acceptance of soil.

If the Facility Manager has any questions regarding acceptance of a particular soil job or the accompanying analytical results, TPST's Corporate Manager of Regulatory Compliance is notified for assistance. He will then decide if the PCS can be accepted at the facility as non-hazardous soil. On occasion, the NYDEC Regional Solid Waste Engineer will be requested to offer guidance. This is the third level of review that can be utilized by TPST personnel for soil acceptance purposes.

## **II. Soil Delivery**

Once an incoming load of soil enters the site, the following procedures will be adhered to:

- 1) A pre-acceptance inspection will be conducted by a thoroughly trained representative of the facility.
- 2) An on-site sampling analysis of the material will be periodically conducted by TPST employees or by NYS Department of Environmental Conservation personnel.

3) Should concerns regarding the soil's acceptability arise during the pre-acceptance evaluation:

Notification to the client that a material with unusual characteristics has arrived at the facility. Questions will be presented to the client as to the analysis conducted, source location and identification.

Should further review indicate an acceptable material, it will then be off-loaded for proper treatment through the thermal treatment process.

In the event that further review indicates a potentially unacceptable material, the material will be segregated and marked with a sign indicating "Segregate and Hold". The Facility Manager will reserve the right to have samples analyzed by a state certified laboratory to ascertain verification of a hazardous material. The analysis will be performed with results obtained within 72 hours. Documentation supporting evidence of unacceptable material will require the following actions to be performed:

- Minimization of human contact with the material. Contact with the material will be done by individuals who are trained in the handling of the unacceptable material and who will be wearing appropriate personal protective equipment.
- Notification of the Regional Hazardous Substance Engineer within two (2) hours by telephone.
- Notification to the client that the material is unacceptable and arrangements are to be made to remove the material from the facility. This is to be done with the cost for removal borne by the Generator/Client.
- Based upon identification as to the type of unacceptable material from the analysis, containment of hazardous waste in approved drums or material hoppers may be required and subsequent loading of such storage/transport units would take place at the Generator's Client's expense. Arrangements for removal of the material and shipment back to the client will be immediately undertaken.

## **5. GENERATOR WASTE PROFILE SHEET**

## GENERATOR WASTE PROFILE SHEET

### INSTRUCTIONS

PLEASE COMPLETE ALL SECTIONS OF THIS FORM. THIS FORM MUST BE FORWARDED TO THE TPST FACILITY WITH A NARRATIVE OF SITE HISTORY AND THE REQUIRED LABORATORY ANALYTICAL RESULTS PRIOR TO THE FIRST SHIPMENT OF CONTAMINATED SOIL.

### GENERAL INFORMATION

GENERATOR NAME AND ADDRESS	GENERATOR PHONE NO.
	GENERATOR CONTACT
	GENERATOR FAX NO.
CONSULTANT NAME AND ADDRESS	CONSULTANT PHONE NO.
	CONSULTANT CONTACT
	CONSULTANT FAX NO.
SITE NAME AND ADDRESS	SITE PHONE NO.
	SITE CONTACT
	SITE FAX NUMBER
TRANSPORTER NAME AND ADDRESS	TRANSPORTER PHONE NO.
	TRANSPORTER CONTACT
	TRANSPORTER FAX NO.
LABORATORY NAME AND ADDRESS	LABORATORY PHONE NO.
	CONTACT
	CONTACT TITLE

### SITE HISTORY

TYPE OF PETROLEUM <input type="checkbox"/> GASOLINE <input type="checkbox"/> DIESEL FUEL <input type="checkbox"/> NO. 2 FUEL OIL <input type="checkbox"/> NO. 6 FUEL OIL <input type="checkbox"/> JET FUEL <input type="checkbox"/> OTHER (PLEASE LIST):	ESTIMATED QUANTITY IN TONS	SOURCE OF CONTAMINATION <input type="checkbox"/> UST <input type="checkbox"/> SPILL (SPECIFY NYSDEC NO.) <input type="checkbox"/> AST <input type="checkbox"/> EMERGENCY RESPONSE <input type="checkbox"/> OTHER
THE SOURCE OF THE PETROLEUM CONTAMINATED SOILS AT THIS SITE WAS <input type="checkbox"/> VIRGIN PETROLEUM PRODUCT <input type="checkbox"/> NON-VIRGIN PETROLEUM PRODUCT (PLEASE LIST):		TYPE OF FACILITY GENERATING MATERIAL
WHAT ACTIVITIES WERE CONDUCTED AT THE SITE?		
HOW DID SOIL CONTAMINATION OCCUR?		
HOW AND WHERE WERE SAMPLES TAKEN? DESCRIBE SAMPLING PROTOCOL		

## 6. SOIL TRACKING FORM

# SOIL TRACKING FORM

**TPS**  
TECHNOLOGIES INC.

TRACKING FORM NO.  
(GIVEN BY TPS)

DATE OF SHIPMENT	RESPONSIBLE FOR PAYMENT	PART 364 VEHICLE PLATE NO.	FACILITY NO.	JOB NO.	LOAD NO.
------------------	-------------------------	----------------------------	--------------	---------	----------

GENERATOR NAME AND BILLING ADDRESS	GENERATOR PHONE NO.	
	GENERATOR CONTACT	
	<table border="1"> <tr> <td>GENERATOR FAX NO.</td> <td>CUSTOMER ACCT. NO. WITH TPS</td> </tr> </table>	GENERATOR FAX NO.
GENERATOR FAX NO.	CUSTOMER ACCT. NO. WITH TPS	

CONSULTANT NAME AND BILLING ADDRESS	CONSULTANT PHONE NO.	
	CONSULTANT CONTACT	
	<table border="1"> <tr> <td>CONSULTANT FAX NO.</td> <td>CUSTOMER ACCT. NO. WITH TPS</td> </tr> </table>	CONSULTANT FAX NO.
CONSULTANT FAX NO.	CUSTOMER ACCT. NO. WITH TPS	

GENERATION SITE (TRANSPORT FROM) NAME AND ADDRESS	SITE PHONE NO.
	SITE CONTACT
	SITE FAX NUMBER

PCS PROCESSING FACILITY (TRANSPORT TO) NAME AND ADDRESS	FACILITY PHONE NO.	PART 360 PERMIT NO.
	FACILITY CONTACT	
	FACILITY FAX NO.	

TRANSPORTER NAME AND ADDRESS	TRANSPORTER PHONE NO.	TRANSPORTER PART 364 PERMIT NO.
	TRANSPORTER CONTACT	TRANSPORTER DOT NO.
	TRANSPORTER FAX NO.	CUSTOMER ACCT. NO. WITH TPS

<b>MATERIAL TESTING</b> (CHECK APPROPRIATE BOXES FOR TESTS CONDUCTED) <input type="checkbox"/> TOTAL PETROLEUM HYDROCARBONS <input type="checkbox"/> BENZENE (TOTAL) <input type="checkbox"/> LEAD (TOTAL) <input type="checkbox"/> BENZENE/TOLUENE/ETHYL BENZENE/XYLENE <input type="checkbox"/> METHYL T-BUTYL ETHER (MTBE) <input type="checkbox"/> HALOGENATED VOLATILE ORGANICS <input type="checkbox"/> HEAVY METALS (TOTAL) <input type="checkbox"/> OTHER (PLEASE LIST):	DESCRIPTION OF DELIVERY	GROSS WEIGHT (TONS)	TARE WEIGHT (TONS)	NET WEIGHT (TONS)
	<input type="checkbox"/> BENZENE (TCLP) <input type="checkbox"/> LEAD (TCLP)			
	<input type="checkbox"/> HEAVY METALS (TCLP)			

GENERATOR'S AND/OR CONSULTANT'S CERTIFICATION: I CERTIFY THAT THE SOIL REFERENCED HEREIN IS TAKEN ENTIRELY FROM THOSE SOILS DESCRIBED IN THE GENERATOR WASTE PROFILE SHEET COMPLETED AND CERTIFIED BY ME FOR THE GENERATION SITE SHOWN ABOVE AND NOTHING HAS BEEN ADDED OR DONE TO SUCH SOIL THAT WOULD ALTER IT IN ANY WAY. I HEREBY AFFIRM UNDER PENALTY OF PERJURY THAT INFORMATION PROVIDED ON THIS DOCUMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I HAVE THE AUTHORITY AS \_\_\_\_\_ (TITLE) OF \_\_\_\_\_ (ENTITY) TO SIGN THIS TRACKING DOCUMENT PURSUANT TO 6 NYCRR PART 360. I AM AWARE THAT ANY FALSE STATEMENT MADE HEREIN IS PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

PRINT OR TYPE NAME <input type="checkbox"/> GENERATOR <input type="checkbox"/> CONSULTANT	SIGNATURE	MONTH	DATE	YEAR
---	-----------	-------	------	------

TRANSPORTER'S CERTIFICATION: I ACKNOWLEDGE RECEIPT OF THE SOIL DESCRIBED ABOVE AND CERTIFY THAT SUCH SOIL IS BEING DELIVERED IN EXACTLY THE SAME CONDITION AS WHEN RECEIVED. I FURTHER CERTIFY THAT THIS SOIL IS BEING DIRECTLY TRANSPORTED FROM THE GENERATION SITE TO THE PCS PROCESSING FACILITY WITHOUT OFF-LOADING, ADDING TO, SUBTRACTING FROM OR IN ANY WAY DELAYING DELIVERY TO SUCH SITE.

PRINT OR TYPE NAME	SIGNATURE	MONTH	DATE	YEAR
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TRANSPORTER DISCREPANCY BOX (ANY DISCREPANCIES IN THE TRANSPORTER NAME OR LOCATION, PCS PROCESSING NAME OR LOCATION, OR MATERIAL TESTING OR QUANTITY SHOULD BE NOTED HERE.)

PCS PROCESSING FACILITY CERTIFIES THE RECEIPT OF THE SOIL COVERED BY THIS SOIL TRACKING FORM EXCEPT AS NOTED BELOW.

PRINT OR TYPE NAME	SIGNATURE	MONTH	DATE	YEAR
--------------------	-----------	-------	------	------

PROCESSING FACILITY DISCREPANCY BOX (ANY DISCREPANCIES IN ABOVE INFORMATION SHOULD BE NOTED HERE.)

## INSTRUCTIONS

1. GENERATOR COMPLETES ALL ITEMS IN GENERATOR AND/OR CONSULTANT BOXES, RETAINS COPY #4, AND GIVES REMAINING COPIES TO TRANSPORTER.
2. TRANSPORTER COMPLETES ALL ITEMS IN TRANSPORTER BOXES, RETAINS COPY #3, AND GIVES REMAINING COPIES TO THE PROCESSING FACILITY.
3. PROCESSING FACILITY COMPLETES ALL ITEMS IN PROCESSING FACILITY BOXES, RETAINS COPY #2, AND RETURNS COPY #1 TO THE GENERATOR WITHIN TWO (2) WEEKS.



## **7. SOIL RECYCLING CERTIFICATE**

# Soil Recycling Certificate

UHS Technologies Inc. does hereby certify  
that                      tons of petroleum - contaminated soil  
received from

## SAMPLE

Under Manifest/authorization number  
have been properly recycled to approved regulatory standards  
at our Soil Recycling Facility in



Dated this                      day of                      , 19

Sworn and Attested by:  
UHS Technologies Inc.

By: \_\_\_\_\_

## **8. CERTIFICATE OF INSURANCE**

**ACORD<sup>TM</sup> CERTIFICATE OF LIABILITY INSURANCE**

Page 1 of 2

DATE  
04/19/2004

## PRODUCER

877-945-7378

Willis North America, Inc. - Regional Cert Center  
26 Century Blvd.  
P. O. Box 305191  
Nashville, TN 372305191THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION  
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE  
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR  
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

## INSURERS AFFORDING COVERAGE

## INSURED

TPS Technologies Inc.  
7400 E. McDonald Drive  
#3-123  
Scottsdale, AZ 85250

INSURER A: American International Specialty Lines In 26883-007

INSURER B: Commerce and Industry Insurance Company 19410-008

INSURER C: Commerce and Industry Insurance Company 19410-002

INSURER D:

INSURER E:

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	EG0791253	4/6/2004	4/6/2005	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$ 100,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 5,000
					PERSONAL & ADV INJURY \$ 1,000,000
					GENERAL AGGREGATE \$ 2,000,000
					PRODUCTS - COMP/OP AGG \$ 200,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO- JECT <input checked="" type="checkbox"/> LOC				
B	AUTOMOBILE LIABILITY	CA0791255	4/6/2004	4/6/2005	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS				
	<input type="checkbox"/> NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
A	EXCESS LIABILITY	EGU0791254	4/6/2004	4/6/2005	EACH OCCURRENCE \$ 10,000,000
	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$ 10,000,000
					\$
	DEDUCTIBLE				\$
	<input checked="" type="checkbox"/> RETENTION \$ 10,000				\$
C C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WC3282904	4/6/2004	4/6/2005	<input checked="" type="checkbox"/> WC STATU- TORY LIMITS <input type="checkbox"/> OTH- ER
		WC3282905	4/6/2004	4/6/2005	E.L. EACH ACCIDENT \$ 1,000,000
					E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
					E.L. DISEASE - POLICY LIMIT \$ 1,000,000
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

## CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER:

## CANCELLATION

TPS Technologies, Inc.  
TPST Soil Recyclers of New York  
1106 River Road  
New Windsor, NY 12553SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION  
DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN  
NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL  
IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR  
REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

## **IMPORTANT**

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## **DISCLAIMER**

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

## **9. SITE AND PROCESS DESCRIPTION**

## TPS TECHNOLOGIES INC.

### GENERAL PROCESS OVERVIEW

Soil to be processed is brought to the unit and dumped into the SRU Feeder System. The SRU Feeder hopper is shaped such that the dirt falls along the walls of the hopper drum to a live bottom belt conveyor. Once on the belt conveyor, it is conveyed and dropped onto the weigh belt conveyor. The weigh belt conveyor weighs the soil through its instrumentation and calculates and totals the amount of soil processed through the unit in tons per hour. After being weighed, it travels into the feed end of the dryer drum. As the drum rotates, the soil is forced to move forward by the angle of the drum with reference to level. The specially designed internal surface of the dryer drum helps move the soil along as it falls through the drum. Hot gases generated by the primary combustion burner travel in the opposite direction of the soil and transfer the heat to the soil. The final discharge temperature of the soil is a function of the retention time in the dryer drum and the effective heat transfer from the primary combustion burner. As the soil comes to the end of the dryer drum, it is pushed into a catch chute leading to a discharge system. The discharge system was designed to accomplish two things; first, to move the cleaned soil out and away from the discharge auger into clean piles, and secondly, to cool the soil to a manageable temperature using water. Soil samples are collected from the clean piles, labeled by date and time, and sent to a state certified lab for analysis.

The gases generated by the primary combustion burner, including the water vapor, and the petroleum contaminants driven off from the soil, are channeled to the baghouse by a plenum at the feed end of the dryer drum.

An induced draft fan at the clean side of the baghouse provides the negative draft pressure needed to channel the gases and particulate matter up the plenum and into the baghouse. Once in the baghouse, the dust collects on the bags and the hot "cleaned" gases pass through and on to the afterburner chamber. As the dust accumulates on the bags, it is occasionally shaken free with air pulses. The dust falls to the bottom of the baghouse where it is conveyed with augers to the discharge end of the dryer drum and combined with the exiting hot soil. Consequently, there are no byproducts.

The gases, now free of particulate, pass into the afterburner for final combustion. The gas stream is neutralized at a minimum of 1400°F and exit the unit through the exhaust stack. (SEE Process Flow Diagram - SRUFLO.DWG).

## SRU COMPONENT DESCRIPTION

### Baghouse:

The SRU has two (2) flowpaths through the baghouse, one on each side of the dryer drum. They each act as filters for the particulate and dust being entrained in the vapor generated from the hot, contaminated soil. Each baghouse has dimensions of 24 feet long, 9 feet high and 3 feet wide.

When the contaminated soil is heated in the dryer drum, petroleum in the soil is vaporized and mixed with the primary burner's products of combustion. Dust particles become mixed with the gases as the soil is agitated and moisture is driven off. The mixture of dust and vapor is pulled or vacuumed into the baghouse by the negative pressure created from the induced draft fan. Inside the baghouse, the direction of gas flow is such that dust collects on the outside of bags while the vapor passes through the bags and proceeds to the afterburner.

Dust that collects on the bags is shaken off automatically with timed jet pulses of air supplied from an on-board pneumatic system. The system is automatically controlled by two separate electronic circuits (one for each "side" of the baghouse). The dust falls to the bottom of the baghouse where it is collected and moved forward via conveyors to the discharge auger.

### Dryer Drum:

The rotary drum, also referred to as the "dryer" is the main component of the SRU because it is the component that processes the contaminated soil.

The drum is approximately 22 feet long with a 5 foot diameter. It is centrally located on the trailer and is supported in four places by rollers, which are hydraulically driven and, in turn, rotate the drum.

The primary combustion burner has direct control of the gas temperature in the drum. Soil temperature is varied with drum tilt, drum rotation and burner output. Soil temperature usually ranges from 600°F to 800°F.

Retention time of soil in the drum can range from 5 - 10 minutes.

### Afterburner:

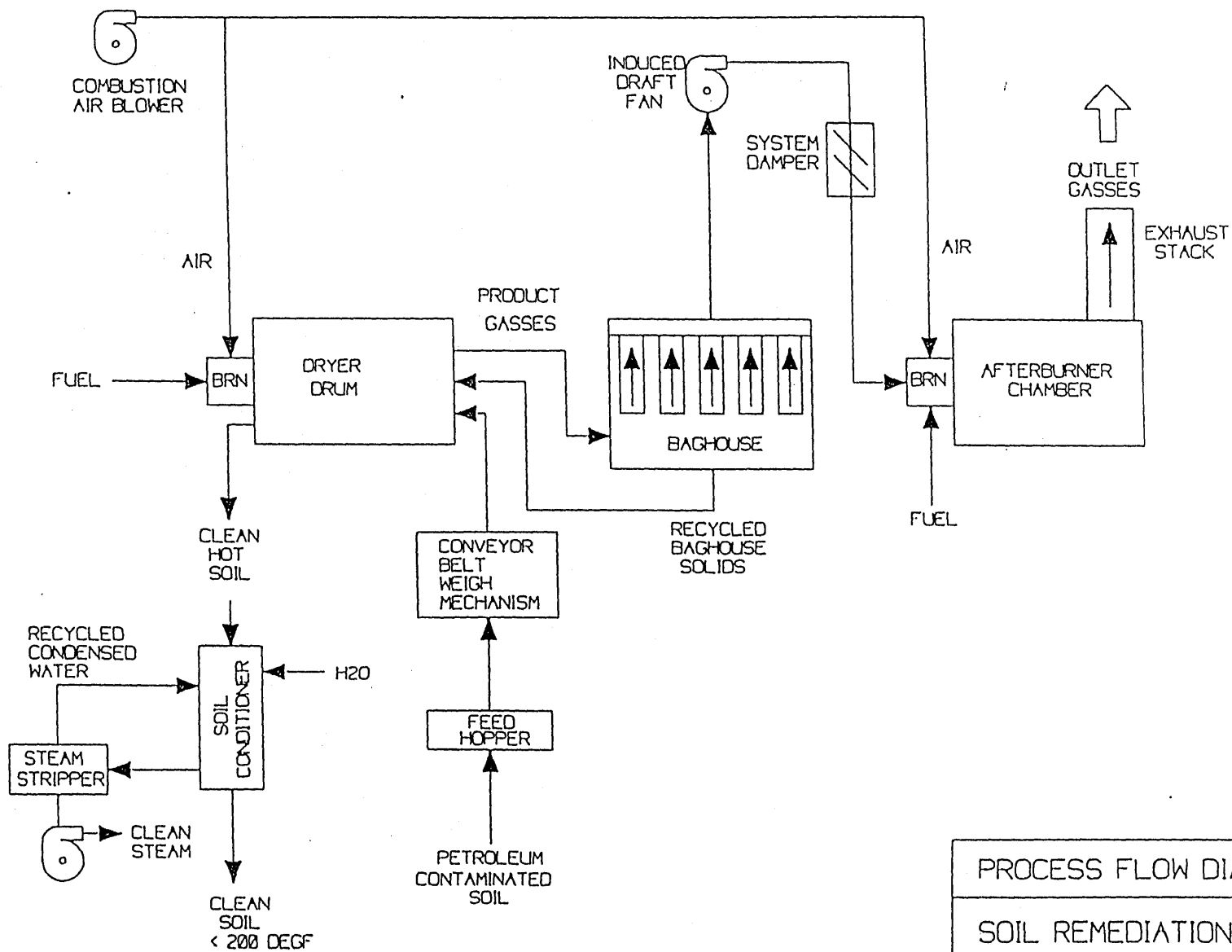
The afterburner and its secondary combustion burner serve as a highly efficient pollution control device. The chamber is cradled between the two baghouses and above the dryer drum. The chamber dimensions are 27 feet long, 4 feet tall and 6 feet wide. The interior is covered with square replaceable ceramic insulation modules. The secondary burner fires into the entrance of the afterburner chamber.



The secondary burner supplies the heat and excess air for the combustion of volatilized petroleum contaminants in the afterburner chamber.

The temperature of the incoming gases from the clean side of the baghouse have little effect on the internal temperature of the afterburner. The primary and direct control of the afterburner temperature is accomplished by varying the input of the fuel and combustion air to the secondary burner.

Inside the afterburner, the petroleum vapors are converted to carbon dioxide and water vapor by maintaining a minimum temperature of 1400°F and a minimum retention time of 0.5 seconds.



PROCESS FLOW DIAGRAM

SOIL REMEDIATION UNIT  
TPS TECHNOLOGIES INC.

SRUFLO.DWG

4-94

## **10. PERMITS**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
**State Pollutant Discharge Elimination System (SPDES)**  
**NOTICE / RENEWAL APPLICATION / PERMIT**



Please read **ALL** instructions on the back before completing this application form. Please **TYPE** or **PRINT** clearly in ink.

**PART 1 - NOTICE**

02/15/2000

Permittee Contact Name, Title, Address

Facility and SPDES Permit Information

TPST SOIL RECYCLERS OF NEW YORK INC  
 BLAIR DOMINIAK  
 RIVER RD  
 NEW WINDSOR NY 12553

Name: TPST SOIL RECYCLERS OF NEW YORK  
 Ind. Code: 9511 County: ORANGE  
 DEC No.: 3-3348-00150/00003  
 SPDES No.: NY 002 4261  
 Expiration Date: 12/01/2000  
 Application Due By: 06/04/2000

1106

Are these name(s) & address(es) correct? if not, please write corrections above.

The State Pollutant Discharge Elimination System Permit for the facility referenced above expires on the date indicated. You are required by law to file a complete renewal application at least **180 days** prior to expiration of your current permit. Note the "Application Due By" date above.

**CAUTION:** This short application form and attached questionnaire are the only forms acceptable for permit renewal. Sign Part 2 below and mail only this form and the completed questionnaire using the enclosed envelope. *Effective April 1, 1994 the Department no longer assesses SPDES application fees.*

If there are changes to your discharge, or to operations affecting the discharge, then in addition to this renewal application, you must also submit a separate permit modification application to the Regional Permit Administrator for the DEC region in which the facility is located, as required by your current permit. See the reverse side of this page for instructions on filing a modification request.

**PART 2 - RENEWAL APPLICATION**

**CERTIFICATION:** I hereby affirm that under penalty of perjury that the information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Blair W. Dominiak  
 Name of person signing application (see instructions on back)

Manager, Regulatory Compliance

Title

Signature

Date

6/1/2000

**PART 3 - PERMIT (Below this line - Official Use Only)**

Effective Date: 12/01/00

Expiration Date: 12/01/05

Barbara B. Rinaldi

Permit Administrator

Address:

NYSDEC - Division of Environmental Permits  
 Bureau of Environmental Analysis  
 50 Wolf Road, Albany, NY 12233-1760

Signature

Date

This permit together with the previous valid permit for this facility issued 11/09/95 and subsequent modifications constitute authorization to discharge wastewater in accordance with all terms, conditions and limitations specified in the previously issued valid permit, modifications thereof or issued as part of this permit, including any special or general conditions attached hereto. Nothing in this permit shall be deemed to waive the Department's authority to initiate a modification of this permit on the grounds specified in 6NYCRR §621.14, 6NYCRR §754.4 or 6NYCRR §757.1 existing at the time this permit is issued or which arise thereafter.

Attachments: General Conditions dated 11/90

New York State Department of Environmental Conservation  
Division of Regulatory Services  
21 South Putt Corners Road, New Paltz, NY 12561-1696  
(914) 256-3000 FAX (914) 255-3042



Michael D. Zagata  
Commissioner

February 7, 1996

ATTN: BLAIR W. DOMINIAK, MANAGER  
T.P.S.T. SOIL RECYCLERS OF NEW YORK, INC.  
1964 SOUTH ORANGE BLOSSOM TRAIL  
APOPKA, FL. 32703

FEB 14 RECO

RE: TPST Soil Remediation Facility  
LOC: T-New Windsor, Orange County  
DEC#: 3-3348-00150-00001-0

REVISED PERMIT CORRECTION

Dear Mr. Dominiak:

The Department has re-reviewed your letter of November 30, 1995 in which you requested a correction of the Air Permit to construct the above facility in order to make its list of authorized wastes totally equal to the same list in the issued Part 360 Solid Waste permit to operate the facility, and therefore corrects the Air permit to authorize the processing of any of the following:

Non-hazardous petroleum contaminated soils (maximum contamination limit 10,000 ppm), contaminated with #2, #4 and #6 Fuel Oils, Kerosene, Diesel, Gasoline, and Jet Fuel, lubricating oils and petroleum based waste oil as defined in 6 NYCRR Part 360.

This is a revision of the Air permit correction issued on December 20, 1995 which failed to address all of the petroleum products in the Solid Waste permit.

All other terms and conditions of the previous DEC permit remains unchanged. Please attach a copy of this revised permit correction to your Air Permit and keep them together at all times. If you have any questions or if I can be of any further assistance, please contact me at (914) 256-3165.

Sincerely,

Michael D. Merriman  
Deputy Regional Permit Administrator  
Region 3

cc: C. Manfredi, Acting RD  
A. Klauss  
R. Stanton  
G. Meyers, Supervisor T-New Windsor  
N. Calhoun, Assemblywoman  
W. Larkin, NYS Senator  
T. Kirwan, Assemblyman  
M. Hinchey, Congressman  
H. Porr, Newburgh City Manager  
J. Cleland, Scenic Hudson  
F. Shapiro, CURE

1. CHANGE  
2. DELETE

FORM 16-11-12  
BEFORE ANSWERING  
ANY QUESTION

# PROCESS, EXHAUST OR VENTILATION SYSTEM APPLICATION FOR PERMIT TO CONSTRUCT OR CERTIFICATE TO OPERATE

YELLOW - APPLICANT

1. NAME OF OWNER/FIRM <b>TPST Soil Recyclers of New York Inc.</b>	9. NAME OF AUTHORIZED AGENT	10. TELEPHONE	19. FACILITY NAME (IF DIFFERENT FROM OWNER'S FIRM) <b>TPS Technologies Inc.</b>
2. NUMBER AND STREET ADDRESS <b>1964 S. Orange Blossom Trail</b>	11. NUMBER AND STREET ADDRESS	20. FACILITY LOCATION (NUMBER AND STREET ADDRESS) <b>1106 River Road</b>	
3. CITY - TOWN - VILLAGE <b>Apopka</b>	4. STATE <b>FL</b>	5. ZIP <b>32703</b>	21. CITY - TOWN - VILLAGE <b>New Windsor, NY</b>
6. OWNER CLASSIFICATION A. <input type="checkbox"/> COMMERCIAL C. <input type="checkbox"/> UTILITY F. <input type="checkbox"/> MUNICIPAL I. <input type="checkbox"/> RESIDENTIAL B. <input checked="" type="checkbox"/> INDUSTRIAL D. <input type="checkbox"/> FEDERAL G. <input type="checkbox"/> EDUC. INST. J. <input type="checkbox"/> OTHER	12. CITY - TOWN - VILLAGE	13. STATE	14. ZIP <b>12553</b>
7. NAME & TITLE OF OWNERS REPRESENTATIVE <b>Blair W. Dominiak</b>	8. TELEPHONE <b>407-886-2000</b>	15. NAME OF P.E. OR ARCHITECT (PREPARE APPLICATION)	16. N.Y.S. P.E. OR ARCHITECT LICENSE NO.
17. SIGNATURE OF OWNERS REPRESENTATIVE OR AGENT WHEN APPLYING FOR A PERMIT TO CONSTRUCT	18. SIGNATURE OF OWNERS REPRESENTATIVE OR AGENT WHEN APPLYING FOR A PERMIT TO CONSTRUCT	19. TELEPHONE	20. TELEPHONE
21. PERMIT TO CONSTRUCT A. <input type="checkbox"/> NEW SOURCE B. <input type="checkbox"/> MODIFICATION	22. CERTIFICATE TO OPERATE A. <input checked="" type="checkbox"/> NEW SOURCE B. <input type="checkbox"/> MODIFICATION	23. STARTUP DATE <b>11-0-95</b>	24. DRAWING NUMBER(S) OF P.E. OR ARCHITECT <b>N/A</b>

25. EMISSION POINT ID <b>00001</b>	26. GROUND ELEVATION (FT.) <b>6</b>	27. HEIGHT ABOVE STRUCTURES (FT.) <b>8</b>	28. STACK HEIGHT (FT.) <b>32</b>	29. INSIDE DIAMETER (IN.) <b>48 x 26</b>	30. EXIST. TEMP (°F) <b>1550</b>	31. EXIST. VELOCITY (FT/SEC) <b>67</b>	32. EXIST. FLOW RATE (ACF/HR) <b>35,040</b>	33. SOURCE CODE <b>2-2-1</b>	34. HRS/DAY <b>21</b>	35. DAYS/YR <b>365</b>	36. FLOW RATE (ACF/HR) <b>215   215   215   215</b>
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37. DESCRIBE PROCESS OR UNIT <b>A 25 TPH Soil Remediation Unit to thermally strip pulse jet cleaning system for particulates with &gt;99% efficiency. Afterburner is fired on #2 diesel fuel, natural gas or liquid propane for VOC control with &gt;98% efficiency.</b>	38. non-hazardous hydrocarbons from soil. Baghouse with
---	---

39. EMISSION CONTROL EQUIPMENT ID <b>01</b>	40. CONTROL TYPE <b>08</b>	41. MANUFACTURER'S NAME AND MODEL NUMBER <b>Thermo TerraTech Inc. - Model SRU</b>	42. DISPOSAL METHOD <b>9</b>	43. DATE INSTALLED (MONTH/YEAR) <b>9/95</b>	44. USEFUL LIFE <b>10</b>
45. EMISSION CONTROL EQUIPMENT ID <b>02</b>	46. CONTROL TYPE <b>10</b>	47. MANUFACTURER'S NAME AND MODEL NUMBER <b>Thermo TerraTech Inc. - Model SRU</b>	48. DISPOSAL METHOD <b>9</b>	49. DATE INSTALLED (MONTH/YEAR) <b>9/95</b>	50. USEFUL LIFE <b>10</b>

51. CALCULATIONS <b>See attached emission calculations.</b>
--

CONTAMINANT	NAME	CAS NUMBER	INPUT OR PRODUCTION	UNIT	ENV. RATING	EMISSIONS			% CONTROL EFFICACY	HOURLY EMISSIONS (LBS/HR)			ANNUAL EMISSIONS (LBS/YR)		
						ACTUAL	UNIT	PERMISSIBLE		ACTUAL	UNIT	PERMISSIBLE	ACTUAL	UNIT	PERMISSIBLE
54.	Particulate Matter	N Y 0 7 5 - 0 0 - 0	N/A	B	0.036	20	1	0.05	99	2.65	4	503	1.856	N/A	N/A
55.	Sulfur Dioxide	0 7 4 4 6 - 0 9 - 5	N/A	B	3.38	1	1	N/A	0	15.19	4	503	1.856	N/A	N/A
56.	Nitrogen Oxides	1 0 1 0 2 - 4 4 - 0	N/A	B	4.12	1	1	N/A	0	4.78	4	503	1.856	N/A	N/A
57.	Total VOC's	N Y 9 0 9 - 0 0 - 0	N/A	B	0.033	1	1	N/A	99	500	4	503	1.856	N/A	N/A
58.	Benzene	0 0 0 7 1 - 4 3 - 2	N/A	A	0.009	1	1	N/A	99	2.5	4	503	1.856	N/A	N/A
59.	Carbon Monoxide	0 0 6 3 0 - 0 8 - 0	N/A	B	0.38	51	1	100	0	11.97	4	503	1.856	N/A	N/A

60. TYPE <b>-0-</b>	61. SOLID FUEL TONS/YR <b>145</b>	62. % S <b>99</b>	63. TYPE <b>2317 (Liq. Propane)</b>	64. THOUSANDS OF GALLONS/YR <b>0.01</b>	65. % S <b>52</b>	66. TYPE <b>211.970</b>	67. THOUSANDS OF CF/YR <b>1000</b>	68. APPLICABLE FLOW <b>212</b>	69. APPLICABLE FLOW <b>1000</b>
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Upon completion of construction sign the statement listed below and forward to the appropriate local representative.  
THE PROCESS, EXHAUST OR VENTILATION SYSTEM HAS BEEN CONSTRUCTED AND WILL BE OPERATED IN ACCORDANCE WITH STATED SPECIFICATIONS AND IN CONFORMANCE WITH ALL PROVISIONS OF EXISTING REGULATIONS.  
**Blair W. Dominiak** 10/17/96

156. LOCATION CODE <b>33480009779</b>	157. FACILITY ID. NO. <b>5824591181389</b>	158. U.T.M. (E) <b>1</b>	159. U.T.M. (N) <b>1</b>	160. SIC NUMBER <b>1</b>	161. DATE APPL. RECEIVED <b>6/4/97</b>	162. DATE APPL. REVIEWED <b>6/4/97</b>	163. REVIEWER <b>JCL</b>
--	---	-----------------------------	-----------------------------	-----------------------------	---	---	-----------------------------

PERMIT TO CONSTRUCT			
164. DATE ISSUED <b>1/1</b>	165. EXPIRATION DATE <b>1/1</b>	166. SIGNATURE OF APPROVAL <b>Michael D. Munner</b>	167. FEE <b>3-3348-00150/7</b>

CERTIFICATE TO OPERATE			
169. DATE ISSUED <b>6/6/97</b>	170. EXPIRATION DATE <b>(N/A)</b>	171. SIGNATURE OF APPROVAL <b>Michael D. Munner</b>	172. FEE <b>3-3348-00150/7</b>

173. SPECIAL CONDITIONS: <b>See attached special conditions pages 1 and 2 dated June 6, 1997</b>
---

**New York State Department of Environmental Conservation**  
**Division of Environmental Permits - Room 538**  
**50 Wolf Road, Albany, New York 12233-1750**  
**Telephone: (518) 457-2224**  
**Fax: (518) 457-5965**



**John P. Cahill**  
**Acting Commissioner**

**Certified Return Receipt Requested # P 229 578 258**

June 6, 1997

Mr. Thomas S. West  
LeBoeuf, Lamb, Greene & MacRae L.L.P.  
One Commerce Plaza, Suite 2020  
99 Washington Ave.  
Albany, NY 12210-2820

Applicant:	TPST Soil Recyclers of New York, Inc.
Application No.:	3-3348-00150/00007 (Air Certificate to Operate Emission Point 00001)
Application No.:	3-3348-00150/00001 (Solid Waste Management Facility Permit)

Dear Mr. West:

This is in response to your letter dated May 29, 1997 requesting a decision on the application by TPST Soil Recyclers of New York, Inc. (TPST) for an Air Pollution Control Certificate to Operate the above-noted emission point for the processing of petroleum contaminated soils at the TPST facility located at 81 River Road, New Windsor, Orange County. Your letter was received on May 30, 1997 and in accordance with the Uniform Procedures Act, a reply is due within five (5) business days of that date.

My review of this case indicates that the application for Certificate to Operate was initially received in the Department's Region 3 New Paltz office on October 17, 1996. The Department subsequently extended the Permit to Construct on two occasions (December 1996 and March 1997) while staff spent a considerable amount of time working closely with TPST and their consultants in an attempt to resolve differences between the applicant's Permits to Construct and concerns raised by the New York State Department of Health (Dr. J. Hawley's September 5, 1996 report).

Based on our review of all the information, we have determined that an Air Pollution Control Certificate to Operate this source could be issued and, further, we have determined that the existing Part 360 Solid Waste Management Facility Permit must be modified to reflect the

conditions included in the Air Certificate to Operate. Copies of these permits are attached (however the Department's original endorsed copy of the original Application for Air Permit will be forwarded from the Region 3 office of Environmental Permits directly to the applicant under separate cover). Modified conditions of the Part 360 Solid Waste Management Facility Permit must be attached to the current permit and be kept together at all times. All other terms and conditions of this permit remain unchanged.

Section 6NYCRR 621.7(f) provides that applicants may request a public hearing when a permit is denied or contains conditions which are unacceptable to them. Any such request must be made within 30 calendar days of the date of the mailing of this letter and should be addressed to Ms. Margaret Duke, Regional Permit Administrator in the Department's Region 3 New Paltz office of the Division of Environmental Permits, 21 South Putt Corners Road, New Paltz, NY 12561-1696 (telephone: 914-256-3059). Any hearing held pursuant to such a request would begin within 45 days of the receipt of the request.

Please direct any questions you may have to Ms. Duke.

Sincerely,



William R. Adriance  
Chief Permit Administrator

cc: TPST Soil Recyclers of NY  
81 River Road  
New Windsor, NY 12553

TPS Technologies, Inc.  
attn: Blair W. Dominiak  
1964 South Orange Blossom Trail  
Apopka, FL 32703

M. Duke, attn: M. Merriman, R3 Environmental Permits  
M. Moran, R3 Director  
R. Stanton, R3 Air Resources  
A. Fuchs, R3 Solid & Hazardous Material  
A. Klauss, R3 Engineer  
R. Warland, Air Resources Albany  
K. Martens, Legal Affairs Albany



## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages and costs, direct or indirect, of whatever nature and by whomever suffered, for liability it incurs resulting from activity conducted pursuant to this permit or in noncompliance with this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from such activity.

### Item B: Permittee to Require it's Contractors to Comply with Permit

The permittee shall require its independent contractors, employees, agents and assigns to read, understand and comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violations of this permit as those prescribed for the permittee.

### Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.

### Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

## GENERAL CONDITIONS

### General Condition 1: Facility Inspection by the Department

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

### General Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

### General Condition 3: Applications for Permit Renewals or Modifications

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 3

21 South Putt Corners Road, New Paltz, NY 12561-1696, telephone: 914-256-3059

### General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit when:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

**New York State Department of Environmental Conservation  
PERMIT  
Under Environmental Conservation Law Article 19 (Air Pollution Control)**

Certificate to Operate Emission Point 00001  
TPST Soil Recyclers of New York, Inc.  
DEC# 3-3348-00150/00007  
Air ID No.: 348000979

**SPECIAL CONDITIONS**

**1. GENERAL STANDARDS**

- a. The Soil Remediation Unit (SRU) must meet all design criteria and performance standards.
- b. The permittee must comply with all of the requirements of the 6NYCRR Part 360 Solid Waste Management permit, including all specified soil acceptance limits.

**2. OPERATING PARAMETERS**

- a. During operation the SRU must treat only non-hazardous soil demonstrated to be contaminated with any of the following petroleum products:
  - (1) Gasoline (unleaded or leaded);
  - (2) Distillate fuel oils (diesel, jet fuel, and #2 fuel oil); or
  - (3) Residual oils (#4 and #6 fuel oil, kerosene, lubricating oils, and petroleum based waste oil).
- b. The acceptance and treatment of soil contaminated with waste oil/non-virgin petroleum products or soil from industrial or agricultural sites can not exceed 65,000 tons per year.
- c. The maximum petroleum content in the soil being fed into the SRU can not exceed 10,000 ppm.
- d. The facility must increase the height of the stack by at least 8 feet to a total height of 40 feet or greater within 90 days of the issuance date of the Certificate to Operate.
- e. Analytical results exceeding the acceptable soil limits for lead and for metals may be allowed on a case-by-case basis provided the air emissions are within the acceptable guidance limits specified in the New York State Air Guide #1, dated 1991, and Appendix B of Air Guide #1, dated April 4, 1994.
- f. The soil acceptance limit for Total PCBs is 0.25 parts per million (ppm) for the 65,000 tons per year of soils categorized as soils contaminated with waste oil/non-virgin petroleum products or soils from industrial or agricultural sites. This limit cannot be modified unless it can be demonstrated by
  - (1) modeling or (2) stack testingthat higher PCB soil acceptance limits will not result in Total PCB emissions exceeding the guidance limits specified in the New York State Air Guide #1, dated 1991, and Appendix B of Air Guide #1, dated April 4, 1994.
- g. The soil acceptance limit for Total Organic Halogen Compounds (TOX) is an annual average of 100 parts per million (ppm), with a maximum concentration of 500 ppm for the 65,000 tons per year of soils categorized as soils contaminated with waste oil/non-virgin petroleum products or soils from industrial or agricultural sites.
- h. The maximum soil charging rate to the SRU must not exceed 25 tons per hour. The charging rate must be monitored, displayed, and recorded at least every 15 minutes during operation.
- i. Field aeration at the facility to decontaminate the soil prior to or during remediation is prohibited. This does not apply to routine screening, blending, and handling of the soil inside the building.
- j. Fuel used for the dryer and afterburner is limited to #2 fuel oil, liquid propane, and natural gas, and must comply with the requirements of 6NYCRR Part 225-1 (a sulfur limitation of 1.5 weight percent of the fuel). The facility may also burn waste fuel and must comply with the requirements of 6NYCRR Part 225-2.

**New York State Department of Environmental Conservation  
PERMIT  
Under Environmental Conservation Law Article 19 (Air Pollution Control)**

**Certificate to Operate Emission Point 00001  
TPST Soil Recyclers of New York, Inc.  
DEC# 3-3348-00150/00007  
Air ID No.: 348000979**

**SPECIAL CONDITIONS (continued)**

- k. Prior to processing contaminated soil, the afterburner shall achieve a temperature of at least 1550°F and this temperature must be maintained during soil processing. If during operation afterburner temperature falls below 1550°F, the SRU feed shall be cut off after 5 minutes until the problem is corrected and 1550°F is achieved.
- l. The facility may operate the SRU for a maximum of 21 hours per day Monday through Saturday. The hours for receiving soil shipments at the facility is limited to the period from 6:00 a.m. to 6:00 p.m.

**3. MONITORING REQUIREMENTS**

The following operational parameters must be continuously monitored and must be recorded at least once every hour:

- a. Soil temperature;
- b. Baghouse differential pressure;
- c. Afterburner temperature; and
- d. Tons of soil processed per hour.

**4. EMISSIONS LIMITS**

- a. Particulate matter emissions from the process can not exceed 0.05 grains per dry standard cubic feet. Visible air emissions can not exceed an opacity of 20% as determined by EPA Reference Method 9, as specified in 40 CFR Part 60 Appendix A.
- b. The afterburner must operate at a minimum of 1550°F and achieve a VOC destruction efficiency of at least 99% and a benzene destruction efficiency of at least 99%.
- c. The emission of carbon monoxide shall not exceed a concentration of 100 ppm by volume, dry basis, corrected to seven percent oxygen. Carbon monoxide concentration must be monitored and recorded at least once every two hours.

**5. CONTROL MEASURES**

- a. Emission control equipment must be in use whenever the Soil Remediation Unit is in operation.
- b. Water spray must be used for suppressing dust from remediated soil.
- c. A sufficient number of replacement bags will be maintained on site to replace 25 percent of the SRU baghouse capacity. Said bags will be manufactured of materials which meet the baghouse manufacturer's specifications.
- d. A General Maintenance Plan and Maintenance Log for the facility will be prepared and must be made available to the Department upon request.

**6. RECORDKEEPING**

All recordkeeping, including soil sampling records and temperature monitoring logs, must be made available to a Department representative upon request and must be kept on site for at least five years.

**New York State Department of Environmental Conservation**  
**PERMIT**  
**Under Environmental Conservation Law Article 27, Title 7 (Solid Waste Management)**

**TPST Soil Recyclers of New York, Inc.**  
**DEC# 3-3348-00150/00001**

**SPECIAL CONDITIONS**

**Modification of Special Condition #18:**

18. The facility is approved to process non-hazardous Petroleum Contaminated Soil (PCS) within the approved limits of contamination with petroleum products listed in this permit (maximum contamination limit equals 10,000 ppm) and limited to soils contaminated only with the following Petroleum products: #2 Fuel Oil, #4 Fuel Oil, #6 Fuel Oil, Kerosene, Diesel Fuel, Gasoline, and Jet Fuel, lubricating oils and petroleum based waste oil as defined in 6 NYCRR Part 360. The maximum limit of Petroleum Content may be modified based on the results of an additional Stack Test, if required by the Air Resources Division or if requested by the Permittee.

Acceptance of PCS with concentration greater than 10,000 ppm may be allowed if the facility blends these soils with low concentration PCS to maintain the concentration of the processed PCS below 10,000 ppm. The facility must maintain records of blended loads; blending records; average concentration of the blended PCS and submit separate attachment with the annual report including all information related to these PCS loads. Blending of PCS with clean soils is prohibited. The blending process must be conducted and completed in the closed PCS storage area.

**Modification of Special Condition #19**

19. The Permittee must operate the facility in conformance with this permit and the updated permit application, referenced in Special Condition #2, which incorporates all approvable changes and reflect the current on-site structures, and equipment associated with the PCS processes. These include:
- a. The General and Special Conditions of this permit,
  - b. Current 6 NYCRR Part 360 Solid Waste Management Facilities Regulations, and NYSDEC guidance,
  - c. The 6 NYCRR Part 360 Consolidated Permit Application and Operation and Maintenance Manual for Soil Recycling Facility, prepared by TPST Soil Recyclers of New York Inc., dated October 5, 1995.
  - d. The operation of the facility must also meet the applicable requirements of 6 NYCRR Part 364.

If there is a conflict between the requirements contained in any of the above documents, the requirements of Part 360 will take precedence.

**Note:** Any substantive revisions to the above approved documents or to the operations at the site requires prior written approval from the Department.

**Modification of Special Condition #20:**

20. The hours for receiving soil shipments at the facility is limited to the period from 6:00 a.m. to 6:00 p.m., Monday through Saturday. The thermal desorption unit may operate for a maximum of 21 hours per day Monday through Saturday, and may not exceed a design capacity of 525 Tons of PCS per operating day (25 tons per hour times 21 hours per day times 6 days per week times 52 weeks per year equals 163,800 tons per year) per soil remediation unit (SRU) and limited to an average of 1050 tons per operating day if more than one SRU is used. This capacity will be checked by the facility on a monthly basis and may be reduced by the Department based on the maximum practical limits and in accordance with the procedures for permit modification in 6 NYCRR Part 621.14. The facility is limited to accept no more than 65,000 tons/year of soils contaminated with waste oil/non-virgin petroleum products or soils from industrial or agricultural sites out of the maximum of 163,800 tons per year of all soils.

**New York State Department of Environmental Conservation  
PERMIT**

**Under Environmental Conservation Law Article 27, Title 7 (Solid Waste Management)**

**TPST Soil Recyclers of New York, Inc.  
DEC# 3-3348-00150/00001**

**SPECIAL CONDITIONS (continued)**

**Modification of Special Condition #26:**

26. The maximum on-site storage capacity of unprocessed PCS is limited to: 7500 cu. yd, stored in the designated area inside the building. The maximum on-site storage capacity of processed cleaned soil shall be 3665 cubic yards stored in the assigned storage area.

**Modification of Special Condition #30:**

30. Directly after exiting the SRU, the remediated PCS must be collected and sampled. It will be transported to the soil holding bins located on the eastern end of the facility while awaiting for the results of laboratory analysis for determination of its final use, or remediation or appropriate disposal.

**Modification of Special Condition #40:**

40. The facility shall not accept for treatment any PCS load containing contaminants in excess of the levels listed in Table #1 and condition #18 of this permit.

**Modification of Special Condition #41:**

41. (Table #1, Section B, only)

**B. Analyses for soils contaminated with waste oil/non-virgin petroleum products or soils from industrial or agricultural sites**

<b><u>Analysis</u></b>	<b><u>Acceptance Limit*</u></b>
Total Petroleum Hydrocarbons (EPA Method 418.1 or 8015M)	specified in condition #18
Total Benzene (EPA Method 8020, 8021 or 8240)	10 ppm
Total Halogenated Organics (EPA Method 9020, 8010, 8021, 8240, 9252, or 9253)	100 ppm (annual average for the 65,000 TPY), and 500 ppm maximum
Total PCB's (EPA Method 8080)	0.25 ppm
Total Arsenic	100 ppm
Total Barium	2000 ppm
Total Cadmium	20 ppm
Total Chromium	100 ppm
Total Lead	100 ppm
Total Mercury	4 ppm
Total Selenium	20 ppm
Total Silver	100 ppm

The facility is limited to accept 65,000 TPY of Industrial, Agricultural or non-virgin petroleum contaminated soils.

**New York State Department of Environmental Conservation  
PERMIT  
Under Environmental Conservation Law Article 27, Title 7 (Solid Waste Management)**

**TPST Soil Recyclers of New York, Inc.  
DEC# 3-3348-00150/00001**

**SPECIAL CONDITIONS (continued)**

**Modification of Special Condition #46:**

46. Within one hundred eighty (180) days of issuance of this permit, a detailed estimate of the costs of closing the facility along with the post-closure monitoring costs (if required by the Department), shall be developed. The closure plan must include the cost estimate for closure of each of the units and final closure of the facility. The estimate will also review the closure costs if site operations were interrupted within 5 and 10 years.

**Modification of Special Condition # 48:**

48. During operation and acceptance of any waste material at the site, in accordance with 6 NYCRR Part 360-1.12 and Part 373-2.8 of this Title; the permittee shall continue to maintain a financial assurance totaling \$425,000 (Four hundred twenty five thousand dollars) for closure in a form which follows the format and content requirements of Part 373-2.8. Neither the provision of the financial assurance, nor any act of the Department in drawing upon the financial funding, shall relieve the Permittee of it's obligation to comply with this permit and the requirements to close the facility properly.

## 11. Facilities

TPST Soil Recyclers of CA, Inc.  
12328 Hibiscuss Avenue  
Adelanto, CA 92301

TPST Soil Recyclers of NY, Inc.  
1106 River Road  
New Windsor, NY 12553

TPST Soil Recyclers of MD, Inc.  
925 Todd's Lane  
Baltimore, MD 21237

TPST Soil Recyclers of OR, Inc.  
9333 N. Harborage Street  
Portland, OR 97203

TPST Soil Recyclers of WA, Inc.  
2800 - 104th Street Court, South  
Tacoma, WA 98444-6766



cc. 1 2  
**DRAKE, SOMMERS, LOEB, TARSHIS, CATANIA & LIBERTH, PLLC**

ATTORNEYS AND COUNSELLORS AT LAW

JAMES R. LOEB  
RICHARD J. DRAKE  
STEVEN L. TARSHIS  
JOSEPH A. CATANIA, JR.  
RICHARD F. LIBERTH  
GLEN L. HELLER  
STEVEN I. MILLIGRAM  
RICHARD M. MAHON, II  
STEPHEN J. GABA  
MARIANNA R. KENNEDY  
ADAM L. RODD  
GARY J. GOGERTY

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LAWRENCE M. KLEIN

ENVIRONMENTAL COUNSEL  
LAURA ZEISEL, P.C.

ONE CORWIN COURT  
POST OFFICE BOX 1479  
NEWBURGH, NEW YORK 12550  
(845) 565-1100

FAX (845) 565-1999  
(FAX SERVICE NOT ACCEPTED)

E-MAIL [dsltc@dsltc.com](mailto:dsltc@dsltc.com)  
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RALPH L. PUGLIELLE, JR.  
JOHN MINEHAN, *military leave*  
HOBART J. SIMPSON  
RHETT D. WEIRES  
MARK L. SCHUH  
JEANNE N. TULLY  
PAUL S. ERNENWEIN  
RONALD J. SALVATO  
NICHOLAS A. PASCALE  
DOMINIC R. CORDISCO  
JOHN W. FURST  
JULIA GOINGS-PERROT

OF COUNSEL  
ELLEN VILLAMIL  
KATHLEEN A. MISHKIN  
KAREN COLLINS

WRITER'S DIRECT NO.  
(845) 569-4310

WRITER'S E-MAIL  
[sgaba@dsltc.com](mailto:sgaba@dsltc.com)

December 27, 2004

ANDREW S. KRIEGER, ESQ.,  
219 Quassaick Avenue  
New Windsor, New York 12553

Re: Town of New Windsor ZBA  
Interpretation Request of Applied Building Development  
Our File No. 06494-44472

*FOREST GLEN*

Dear Mr. Krieger:

We represent Applied Building Development of N.Y. ("ABD"), which owns a 101 lot residential subdivision off Riley Road in New Windsor. Final approval for the subdivision was granted in October of 1999. From that time through 2002, ABD constructed interior roadways at the subdivision and made other substantial infrastructure improvements for the purpose of constructing and selling homes on the subdivision lots, including installation of water lines, sewer lines and other utilities. All but a few of the lots in the subdivision have now been built out.

ABD has applied for a building permit for one of the remaining lots in the subdivision. The Town Building Inspector has denied the application on the grounds that the zoning has been changed and the existing lots no longer meet the Code's bulk requirements. ABD has appealed to the ZBA from the Building Inspector's denial of its building permit application.

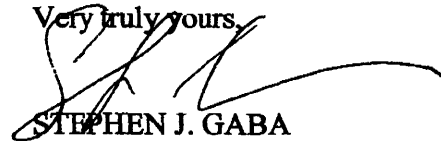
ABD contends that by virtue of the substantial infrastructure improvements it has made for development of the lots in its subdivision (i.e., construction of streets, water lines, sewer lines, etc.), it has a vested right to develop the lots within the subdivision under the zoning applicable at the time of approval. In support of its argument, ABD relies upon the Court of Appeals' decision in Ellington Construction Corp., v. ZBA of Incorporated Village of New Hempstead, 77 N.Y.2d 114, 566 N.E.2d 128, 564 N.Y.S.2d 1001 (1990) and Town Law §265-a.

ANDREW S. KRIEGER, ESQ.,  
December 27, 2004  
Page 2

I anticipate that the ZBA will turn to you for legal advice as to applicable law and, therefore, as a courtesy I am herewith sending you a copy of ABD's application, including the Ellington case. I believe that we will be appearing before the ZBA on the above-referenced application at its first meeting in January. Please note that no EAF was provided because, as I am sure you are aware, under 6 NYCRR §617.5(19) and (31) both an application for a building permit and an application for an interpretation are Type II Actions which do not require any determination or procedure under SEQRA.

If you have any questions or comments please feel free to contact me. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Gaba", written over the typed name "STEPHEN J. GABA".

STEPHEN J. GABA

SJG/ev/293009

Enclosures

cc: Philip Crotty, Esq.,



POST OFFICE BOX 533  
NEW PALTZ, NY 12561

VOX \* 845-255-0836/845-338-7759

FAX \* 845-255-5101

URL \* [cacinfo.org](http://cacinfo.org)

eMAIL \* [jwill52739@aol.com](mailto:jwill52739@aol.com)

December 20, 2004

J. Petro, Chair  
Planning Board  
555 Union Ave.  
New Windsor, NY 12553

Re; Soil Burner

Dear Mr. Petro:

Regarding the soil burner, which has requested to increase operation to 21 hours p/day there are some special health concerns for the families of New Windsor and beyond.

Drift is an ongoing problem, serious enough to warrant NY State suing smokestack industries in the Midwest for acid rain pollution of New York forests, rivers and lakes.

Recent news reports indicate that dioxin, an inevitable by-product of incineration, was the poison suspected of trying to kill Viktor Yushchenko, Ukraine's opposition candidate. He was exposed to large amounts, but long-term exposure to very small amounts raises the risk of cancer, birth defects, and learning problems.

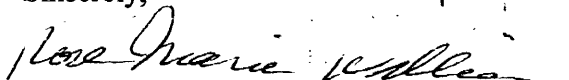
Lead and mercury are extremely toxic substances that concentrate during incineration, posing additional health risks, particularly to children and babies.

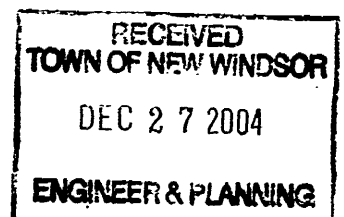
Orange County air quality is listed among the most polluted.

The soil burner should have an onsite monitor as one means of protecting New Windsor (and other downwind) families from toxic exposures, and for the purposes of determining what pollutants are being generated at the site.

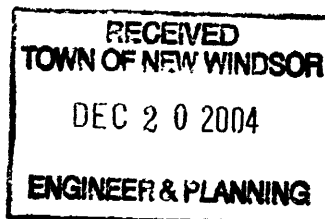
Thank you for your efforts in this regard.

Sincerely,

  
Rose Marie Williams, pres.



December 16, 2004



Mr. George Meyers, Supervisor  
Town of New Windsor and

Mr. Jim Petro,  
Chairman Town of New Windsor Planning Board c/o

New Windsor Town Hall  
555 Union Avenue  
New Windsor, NY 12553

Drew A.  
Kartiganer  
Architect

Architecture  
Interior Design  
Planning

Subject:        TPS Technologies, Inc.  
                  Soil Burning Facility on River Road

Reference:     Public Hearing and comments on request for  
                  extension of operational hours

Dear Supervisor Meyers and Planning Board Chairman Petro,

I recently heard about the TPS Technologies, Inc. request for an extension of its Operational hours from 16 to 21 hours per day. I reviewed some of their documentation as submitted to the Planning Board but was unable to attend the Public Hearing held on this matter. None the less, I would hope my questions and comments as listed below would be included in any consideration that you may make with regard to granting TPS the requested operational hours extension.

For clarity, I am against any extension of the operational hours of the TPS Facility. Prior action from this company have convince me that this operation should be as limited in it's operation in New Windsor as much as is possible or, forced to leave. Given I doubt the latter is possible, I would ask that any effort by TPS to extend operational hours be subject to the most stringent review of the Planning Board and any related agencies as required under State Environmental Quality Review Act process including, but not limited to:

1. Request a review by the Orange County Department of Health related to the additional air pollutants caused by 5 additional hours of operations per day at this facility. I would note any comments made when this facility originally opened some 10 or so years ago SHOULD NOT be used in making this assessment of change in the Special Use Permit requested at this time. The review by the Orange County Department of Health should be done with direct reference to EPA air quality assessment of our area and the impact 5 hours of TPS operations may have on at this time;

555 Blooming Grove Tpk.  
New Windsor, NY 12553  
phone: 845.562.4499  
fax: 845.562.8828

2. Request a full traffic study given the amount of additional truck traffic that an increase of over 30% of operational hours at TPS will have to our area roads with special emphasis of when this traffic passes within 300 to 500 feet of residential areas. It seems that the trucks have been coming regularly and, combined with the new activity near the soil storage site up the river, this traffic may be reaching a critical level along River Road requiring some sort of up grade of roads or access point review for connection to the area. This increase in truck traffic might justify some form of "impact fees" similar to the recreational impact fees for residential development. Any traffic study should also include comments from the City of Newburgh given much of the traffic for this facility passes through their municipality from the interstate.
3. Request that the DEC review their operational permits with regard to any new and/or more restrictive requirements that have been added to development of this type of facility since the original permits were issued 10 plus years ago.

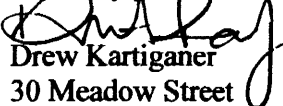
I would also request that another Public Hearing be held given that this facility and this proposal will be controversial once the general public is made aware of this "minor permit change effort." I note, that is in direct contradiction to their short form EIS submitted with their documents which states the opposite.

I would also note that a number of other comments on the short form EIS are inaccurate as well. In particular, on part C1, which their comments are misleading in that they can not possibly be accurate. How can they claim there will be no increase in traffic with a 30% increase in operational hours because of additional Business (30% more operational hours means 30% more truck traffic)? How can they claim there will be "no impact" on noise levels or air quality issues with a 30% increase in operational hours?.

All due respect, the short form EIS should not be accepted for this proposal and this facility should be required to have a full blown review by the Planning Board. This is not a minor request, and it should not be treated as one.

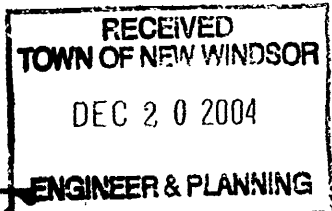
I thank you in advance for your consideration of these comments and am available when and if you feel it is appropriate to answer any questions on same.

Sincerely yours,

  
Drew Kartiganer  
30 Meadow Street  
Newburgh, NY 12550

office  
555 Blooming Grove Turnpike  
New Windsor, NY 12553

Saved as:	TPS ltr to editor. 12 15 04. operational permit increase request. Final
Saved in:	DAK docs/ Personal file/ politics/ tps file
Saved on:	DAK computer. Dell 03



December 9, 2004

James Petro, Planning Board Chair  
Town of New Windsor  
555 Union Ave.  
New Windsor, N.Y. 12553

Dear Mr. Petro:

It has come to my attention that the TPST soil burning plant has requested extended hours that would extend their current shutdown from 10 P.M. to 3 a.m. This is almost an increase of a third in their current operations. We have a number of concerns that we ask you to consider.

First of all, this significant change in operations was not the subject of a full hearing to which residents were invited. I gather that only fenceline neighbors were invited to your recent meeting. A full hearing before the planning board with proper public notice is justified by this significant change.

Second, because this plant was never subjected to a full SEQR review, as it should have been, there is at a minimum an opportunity at this juncture to demand SEQR on the increase in operations, with the recognition that this review will incorporate the entire operation by necessity. This is a legitimate option under SEQR given that the request constitutes an action or potential significance. We recommend this step.

Third, this juncture offers the Town the opportunity to place an onsite monitor at the plant to supervise compliance. You are aware of many complaints over the years regarding noise, odors, smoke, operations with open doors (defeating the negative pressure air pollution system and causing fugitive emissions) and the general concern with health impacts. Whether these issues are re-raised by the public at any juncture or not, it is your fiduciary responsibility to act for the public in this matter. You can order this monitor under your special use permit arrangement or make consideration of the extended hours contingent upon the monitor agreement.

A monitor could work for the Town or the DEC. They would be paid by the soil burner

but work for the independent agency. This is the best chance to assure compliance given the inability of the DEC generally, and particularly at this budget cutting juncture, to enforce environmental laws. It is our recollection that the Town has promised this step in the past.

Finally, it is our understanding that TPST has excess materials on site beyond what it can process. This stockpiling is a concern. You should consider asking TPST to not accept new materials until it has erased its stockpile. This step is an alternative to extending hours. You also have the code authority to bring action is stockpiles exceed that permitted under your current agreement with TPST.

Orange Environment, Inc. is available to discuss these matters further with you. Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Edelstein". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael R. Edelstein, Ph.,D.  
President

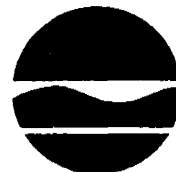
# New York State Department of Environmental Conservation

## Division of Air Resources, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3045 • FAX: (845) 255-0716

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Erin M. Crotty  
Commissioner

December 28, 2004

ALY BEDETTI  
TPS TECHNOLOGIES INC  
1106 RIVER ROAD  
NEW WINDSOR NY 12553

Dear Mr. Bedetti:

As requested, a review of the Department's records did not indicate any formal enforcement activities (i.e., Orders on Consent) regarding the TPS Technologies, Inc., New Windsor facility.

Please feel free to contact me at (945) 256-3048, if you have any further questions.

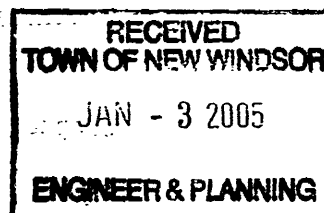
Sincerely,

Robert J. Stanton, P.E.  
Regional Air Pollution Control Engineer

RJS/adm

cc: B. Dominiak, TPS Technologies  
G. Meyers, Supervisor, Town of New Windsor  
~~J. Petro, Town of New Windsor Planning Board~~  
R. Baldwin, P.E., Regional Engineer, NYSDEC  
J. Battista, P.E., Regional Enforcement Coordinator, NYSDEC  
K. Grzyb, P. E., Regional Solid and Hazardous Materials Engineer, NYSDEC

tpsconfirm







COPY

August 31, 1995

James Petro, Planning Board Chair  
James Nugent, ZBA Chair  
Town of New Windsor  
555 Union Ave.  
New Windsor, N.Y. 12553

Dear Mr. Petro and Mr. Nugent:

Orange Environment has, for some time, been working with a local organization from New Windsor named Citizens United for a Responsible Environment on matters relating to soil incineration plants. We have serious concerns about such plants because they may entail significant adverse environmental impacts and because neither New York State nor your community have taken advantage of the State Environmental Quality Review Act in order to examine these potential impacts in full and comprehensive manner.

On the basis of our review of documents released under FOIL to CURE, we have several questions. First, the Short Environmental Assessment Form submitted by an engineer for the applicant (dated November 1, 1993 and then redated August 18, 1994) acknowledges potential adverse environmental impacts. Were these impacts fully assessed and weighed by the boards before they took action on this matter? We have seen reference to a full EAF, but this was not released to CURE. We request this EAF under FOIL.

Furthermore, there is concern regarding the advertising of this action. While IDC's engineer Gregory Shaw had described the project as **"Reclamation of soil by incineration"** on the Short EAF, the Planning Board's "legal notice" form of April 11, 1994 only mentions the name **"I.D.C. Soil Reclamation"** but omits the all important detail about incineration and in no way describes the project. In the ZBA's public notice published in The Sentinel on 10/12/94, the project is described merely as **"construction of office and storage building in P.I. zone with less than the allowable front yard and more than the allowable building height."** Based upon these notices, the public was not alerted to the intended use of the proposed building. Potentially concerned citizens who may have commented had they known the intent for this project were deprived of that opportunity by virtue of the wording. Because extensive public concern now exists, we bring this matter to your attention along with a request that the Board's reopen all hearings and reconsider all matters for which legally required opportunities for public



input was lost due to improper and insufficient notice. In addition to the matter of the notice, the negative declaration issued in this matter fails to adequately address the potential adverse environmental impacts involved, such as we have illustrated above. We, therefore, request that the Board reopen its review under SEQRA.

The combination of the lack of informed public notice with the negative declaration issued for this matter raises the possibility that the public of New Windsor has not been adequately protected in your respective Board's actions. Reclamation of soil by incineration is a relatively new technology. The potential for air quality problems, for traffic and noise impacts, for inadequately monitored handling and disposal of hazardous materials, for area contamination through escape of contaminated soils, and for other adverse outcomes is inherent in this project. Furthermore, unpermitted outcomes were found with the same company's mobile unit just recently in the town of Newburgh, where serious fugitive emission problems exposed the community to materials being reclaimed and where proper community notice was not given.

In sum, please revisit these matters. I look forward to learning of your Boards' conclusions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Edelstein", followed by a long horizontal line extending to the right.

Michael R. Edelstein, Ph.D.

President, Orange Environment, Inc.

MAURICE D. HINCHEY  
26TH DISTRICT, NEW YORK

COMMITTEE ON BANKING  
AND FINANCIAL SERVICES

SUBCOMMITTEE:  
CAPITAL MARKETS, SECURITIES AND  
GOVERNMENT SPONSORED ENTERPRISES

COMMITTEE ON RESOURCES

SUBCOMMITTEES:  
NATIONAL PARKS, FORESTS, AND LANDS  
AND WATER AND POWER RESOURCES

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3226

WASHINGTON OFFICE:  
1524 LONGWORTH BUILDING  
WASHINGTON, DC 20515-3226  
(202) 225-6335

KINGSTON OFFICE:  
291 WALL STREET  
KINGSTON, NY 12401  
(914) 331-4466

BINGHAMTON OFFICE:  
100A FEDERAL BUILDING  
BINGHAMTON, NY 13901  
(607) 773-2768

ITHACA OFFICE:  
114 PROSPECT STREET  
ITHACA, NY 14850  
(607) 273-1388

NEWBURGH OFFICE:  
(914) 569-1640

MONTICELLO OFFICE:  
(914) 791-7116

November 21, 1995

Mr. John Willson, Director  
NYS Department of Environmental Conservation  
Division of Solid Waste  
50 Wolf Road  
Albany, New York 12233

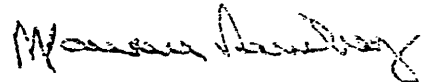
Dear Mr. Willson:

I am writing to urge the DEC to accept the recommendations of the Citizens' Environmental Coalition (CEC) and Scenic Hudson regarding permanent thermal desorption units, particularly the Ira Conklin facility in New Windsor. My Congressional district includes the nearby communities of Newburgh and Beacon and I have received several letters of protest against the facility.

I agree with CEC and Scenic Hudson that the state does not currently plan to test the soil and monitor air emissions for a wide enough range of pollutants. Nor does it plan to monitor frequently enough to adequately protect the health of area residents.

Would you please look into this matter and respond to Kevin O'Connell in my Kingston office? Thank you.

Sincerely,



Maurice D. Hinchey

MDH/ko

cc: Anne Rabe and Michael Purcell, CEC  
Josh Cleland, Scenic Hudson  
✓ Fran Shapiro, CURE  
Rep. Sue Kelly



RICHARD L. BRODSKY  
Assemblyman 86th District

Westchester County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRMAN  
Committee on  
Environmental Conservation

May 1, 1996

Cesare Manfredi  
Director, Region 3  
New York State Department  
of Environmental Conservation  
21 South Putt Corners Road  
New Paltz, NY 12561

Re: New Windsor Soil Remediation Facility

Dear Mr. Manfredi:

It has come to the attention of the Committee that the Department is in the process of granting a permit for the first permanent installation of a mobile soil thermal treatment facility, to be located near the Hudson River in New Windsor. As this is the first such installation of its kind in New York, and since the Interim Guidance for these types of facilities has yet to be finalized, we urge you to proceed with the utmost caution, and to address the legitimate concerns of the affected community before issuing an operating permit.

The Department should expand the list of contaminants assessed in stack tests. For example, the Department should evaluate emissions of metals and non-petroleum organics. Many New Windsor residents are particularly concerned about dioxin emissions. Dioxins and furans should be tested during the stack test. It may be appropriate to establish soil testing or air emissions limits for additional pollutants.

The Department should require periodic monitoring of stack emissions. Currently, it appears that the Department plans only to monitor operational parameters such as soil feed rate and gas temperature. Moreover, a single stack test will not reflect all of the variables (e.g., soil type, moisture, ambient temperature) expected at the facility. It does not appear that such limited oversight can adequately protect the public health. It is not unreasonable to expect some assurance that the emissions from the plant while in service do not far exceed those measured in stack tests.

**New York State Department of Environmental Conservation  
Office of the Regional Director, Region 3**

21 South Putt Corners Road, New Paltz, NY 12561-1696

(845) 256-3003

FAX (845) 255-3042

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



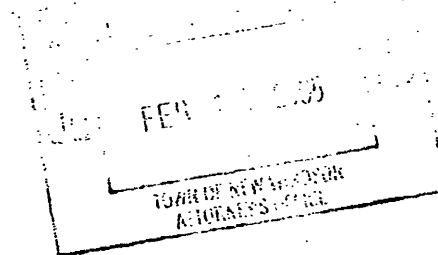
Erin M. Crotty  
Commissioner

February 7, 2005

Philip A. Crotty  
Attorney for the Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12553

Dear Mr. Crotty:

**RE: TPS**



cc. GJM  
MCGOY  
EDSALL  
PETRO.  
McDONN  
BARCO

This will acknowledge your letter to me dated January 27, 2005, regarding the TPS soil burning facility located on River Road in New Windsor. The Town's concern regarding potential impacts from this facility is noted, though the basis of this concern is not readily apparent from your letter.

I'm at a loss to understand the Town's allegations regarding "... the lack of information forthcoming from the DEC Region on this facility," and a supposed recent "shutdown of information" by the Department of Environmental Conservation. As you know, like the Town of New Windsor and other public agencies, the Department is subject to the Freedom of Information Law and, as such, the vast majority of documents in our files are readily available for public review, upon request. Given that the Town's request for information from our files was apparently made just one day before your letter to me, your charging us with withholding information seems, at the very least, a bit premature.

Finally, this facility is currently operating under the provisions of the State Administrative Procedures Act (SAPA), as Department staff are reviewing possible changes and clarifications to the original permit. Staff expect to complete this review shortly, after which all relevant provisions of the Uniform Procedures Act (UPA) and the State Environmental Quality Review Act (SEQRA) will be followed in the review and issuance of a modified permit for this facility. We will, of course, include the Town of New Windsor in this process.

Regards,

Marc Moran  
Regional Director

**Philip A. Crotty**

**Page 2**

**cc: Senator William Larkin  
Supervisor George J. Meyers**

**DEC: Margaret Duke  
Richard Baldwin  
Robert Stanton  
Ken Grzyb**

Petro

**New York State Department of Environmental Conservation**

**Division of Environmental Permits, Region 3**

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 • FAX: (845) 255-3042

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Denise M. Sheehan  
Acting Commissioner

February 9, 2005

PHILIP CROTTY  
ATTORNEY FOR THE TOWN  
TOWN OF NEW WINDSOR  
555 UNION AVE  
NEW WINDSOR NY 12553

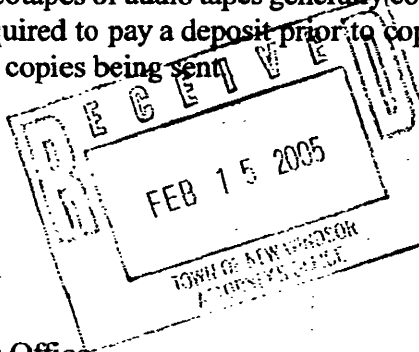
2/15/05 CONF. w/ EDSALL;  
HE WILL GO TO  
NEW PALTZ TO SEE  
RECORDS -  
PAC

RE: FOIL # 068-3/05  
TPST Soil Burning Facility, 81 River Road, New Windsor, NY

Dear Mr. Crotty:

The program noted below has reviewed your request for the above referenced records under New York State's Freedom of Information Law (FOIL). Please note that most of our records are filed by number under the names of individuals or corporations. We have no way of locating or retrieving records if they are filed under names or addresses other than those you have provided. If no records have been located, this does not necessarily mean, and should not be interpreted to mean that there have never been any violations, complaints, claims, investigations or inquiries involving those names or addresses. We cannot make any representations as to whether there are or have been any such violations, complaints, claims, investigations or inquiries.

- ☐ After a diligent search, no records could be located in the Region 3 Environmental Permits office for the names and/or addresses you provided.
- ☒ Records are available for review and/or copying. Please contact the FOIL Secretary at (845) 256-3021 to schedule an appointment to review the records. There is no charge to review records or for copies of seven or fewer pages. By law, copy charges will not exceed 25 cents per page or the actual cost of copying. Photographs, maps, oversized documents, videotapes or audio tapes generally cost more than 25 cents per page to copy. You may be required to pay a deposit prior to copies being made and/or to pay all copy charges prior to copies being sent.



Very truly yours,

*Laurie Lawrence*

Laurie Lawrence  
Environmental Permits  
Region 3

cc: Records Access Office  
M. Merriman (w/incoming)

*Mark Edsall*

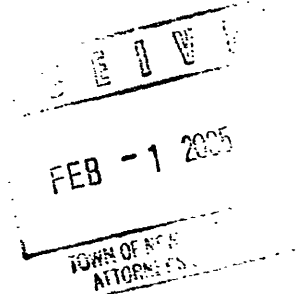
**New York State Department of Environmental Conservation  
Records Access Office, Region 3**

21 South Platt Corners Road, New Paltz, New York 12561-1620  
Phone: (845) 256-3052 • FAX: (845) 255-3414  
Website: www.dec.state.ny.us



JANUARY 28, 2005

PHILIP CROTTY  
ATTORNEY FOR THE TOWN  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR NY 12553



*file-  
TPS*

RE: FOIL #068-3/05

TPS SOIL BURNING FACILITY 81 RIVER ROAD NEW WINDSOR SPILLS 9705348, 9510705,  
9510460, 9811309

DATE RECEIVED: JANUARY 28, 2005

DEAR PHILIP CROTTY:

This letter acknowledges receipt of your request for access to records under New York State's Freedom of Information Law (FOIL). Your request has been forwarded to L. Reiff, A. DiMare, D. Traver, B. Yukoweic of the Solid Materials, Air, Spill Prevention and Response, Petroleum Bulk Storage Programs, respectively. You will be contacted by each program directly as to whether such records are in their custody.

Please find enclosed spill summary sheets and a pbs information report for the above mentioned area. You should contact the Spills Program directly at (845) 256-3120 and the PBS Program at (845) 256-3176 for access to any records they may have in their custody.

If programs have records, you will have an opportunity to arrange to obtain access to the records. There is no charge to review records or for copies of seven or fewer pages. By law, copy charges will not exceed 25 cents per page or the actual cost of copying. Photographs, maps, oversized documents, videotapes or audio tapes generally cost more than 25 cents per page to copy. You may be required to pay a deposit prior to copies being made and/or to pay all copy charges prior to copies being sent.

If all records are not provided because the records are excepted from disclosure, you will be notified of the reasons and of your right to appeal the determination.

If you have questions about the status of your request, you may write to this office at the above address or call (845) 256-3000 and follow instructions to reach the program contact person(s) noted in the first paragraph.

Region 3 Records Access Office

cc: L. Reiff, A. DiMare, D. Traver, B. Yukoweic  
SM/AIR/SPILLS/PBS



# SDEC SPILL REPORT FORM

DEC REGION: <u>3</u>	SPILL NUMBER: <u>9705348</u>
SPILL NAME: <u>TPS SOIL BURNING PLANT</u>	DEC LEAD: <u>JYMCCART</u>
CALLER NAME: <u>[REDACTED]</u>	NOTIFIER'S NAME: <u>[REDACTED]</u>
CLR'S AGENCY: <u>[REDACTED]</u>	NOTIFIER'S AGENCY: <u>[REDACTED]</u>
CALLER'S PHONE: <u>[REDACTED]</u>	NOTIFIER'S PHONE: <u>[REDACTED]</u>
SPILL DATE: <u>08/02/1997</u>	SPILL TIME: <u>12:00 pm</u>
CALL RECEIVED DATE: <u>08/02/1997</u>	RECEIVED TIME: <u>3:37 pm</u>

## SPILL LOCATION

PLACE: <u>TPS SOIL BURNING PLANT</u>	COUNTY: <u>Orange</u>
STREET: <u>ACROSS FROM 98 RIVER RD</u>	TOWN/CITY: <u>**** Unknown ****</u>
	COMMUNITY: <u>NEW WINDSOR</u>
CONTACT: <u>[REDACTED]</u>	CONTACT PHONE: <u>[REDACTED]</u>

SPILL CAUSE: <u>Deliberate</u>	SPILL REPORTED BY: <u>Other</u>
SPILL SOURCE: <u>Commercial/Industrial</u>	WATERBODY: <u>[REDACTED]</u>

### CALLER REMARKS:

CALLER IS A NEWSPAPER REPORTER WHO WAS ON A STORY AT TPS INDUSTRIES

EXACT ADDRESS UNKNOWN. CALLER STATES AN ALMOND SMELLING SMOKE IS COMING FROM A MATERIAL BEING BURNED AT THE PLANT-APPEARANTLY RESIDENTS IN AREA ARE BECOMING SICK. CALLERS HOME PHONE#(914)562-8064-WILL RETURN HOME IN 2 HOURS

MATERIAL	CLASS	SPILLED	RECOVERED	RECOURES AFFECTED
UNKNOWN MATERIAL	Other	0 G	0 G	Air,

## POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
TPS SOIL BURNING PLANT	ACROSS FROM 98 RIVER RD NEW WINDSOR ZZ	ED MCCARTHY

Tank Number	Tank Size	Test Method	Leak Rate	Gross Failure
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### DEC REMARKS:

Prior to Sept, 2004 data translation this spill Lead DEC Field was "MCCARTHY"  
08/02/97 REPORTER WAS ON SITE EARLIER (BEFORE COOKER WAS

OPERATING) YARD SALE UP STREET; TOOK METERS ON SITE,  
DIDN'T DETECT ANY PROBLEMS, NO ALMOND SMELL; CALLED  
SCANDORA AND ASKED THAT THEY SHUT DOWN PLANT TILL  
MONDAY;



# NYSDDEC SPILL REPORT FORM



DEC REGION: 3 SPILL NUMBER: 9705348  
SPILL NAME: TPS SOIL BURNING PLANT DEC LEAD: JYMCCART

PIN

T & A

COST CENTER

CLASS: C4 CLOSE DATE: 08/02/1997 MEETS STANDARDS: True



# NYSDC SPILL REPORT FORM



DEC REGION:	3	SPILL NUMBER:	9510705
SPILL NAME:	TPS TECHNOLOGY	DEC LEAD:	JYMCCART
CALLER NAME:	[REDACTED]	NOTIFIER'S NAME:	[REDACTED]
CLR'S AGENCY:	[REDACTED]	NOTIFIER'S AGENCY:	[REDACTED]
CALLER'S PHONE:	[REDACTED]	NOTIFIER'S PHONE:	[REDACTED]
SPILL DATE:	11/26/1995	SPILL TIME:	4:00 pm
CALL RECEIVED DATE:	11/26/1995	RECEIVED TIME:	5:45 pm

## SPILL LOCATION

PLACE:	TPS TECHNOLOGY	COUNTY:	Orange
STREET:	81 RIVER RD	TOWN/CITY:	**** Unknown ****
		COMMUNITY:	NEW WINDSOR
CONTACT:	[REDACTED]	CONTACT PHONE:	(914) 562-8778

SPILL CAUSE:	Equipment Failure	SPILL REPORTED BY:	Local Agency
SPILL SOURCE:	Commercial/Industrial	WATERBODY:	

## CALLER REMARKS:

SPRINKLER SYSTEM MALFUNCTION IN BUILDING WHICH SPRAYED 300 GALS  
OF WATER INTO A CONTAMINATED SOIL AREA - ALL CONTAINED AND BEING  
CLEANED UP NOW

MATERIAL	CLASS	SPILLED	RECOVERED	RECOURES AFFECTED
#2 Fuel Oil	Petroleum	300 G	0 G	Soil,
Gasoline	Petroleum	300 G	0 G	Soil,

## POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
TPS TECHNOLOGY	81 RIVER RD NEW WINDSOR NY 12553-	DAVE EDWARDS
		(914) 562-8778

Tank Number	Tank Size	Test Method	Leak Rate	Gross Failure
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## DEC REMARKS:

Prior to Sept, 2004 data translation this spill Lead\_DEC Field was "MCCARTHY"

PIN

T & A

COST CENTER

CLASS:	C3	CLOSE DATE:	12/04/1995	MEETS STANDARDS:	True
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# NYSDEC SPILL REPORT FORM

DEC REGION: <u>3</u>	SPILL NUMBER: <u>9510460</u>
SPILL NAME: <u>TPST</u>	DEC LEAD: <u>JYMCCART</u>
CALLER NAME: <u>[REDACTED]</u>	NOTIFIER'S NAME: <u>[REDACTED]</u>
CLR'S AGENCY: <u>[REDACTED]</u>	NOTIFIER'S AGENCY: <u>[REDACTED]</u>
CALLER'S PHONE: <u>[REDACTED]</u>	NOTIFIER'S PHONE: <u>[REDACTED]</u>
SPILL DATE: <u>11/20/1995</u>	SPILL TIME: <u>11:30 am</u>
CALL RECEIVED DATE: <u>11/20/1995</u>	RECEIVED TIME: <u>12:39 pm</u>

## SPILL LOCATION

PLACE: <u>TPST</u>	COUNTY: <u>Orange</u>
STREET: <u>81 RIVER ROAD</u>	TOWN/CITY: <u>**** Unknown ****</u>
	COMMUNITY: <u>NEW WINDSOR</u>
CONTACT: <u>[REDACTED]</u>	CONTACT PHONE: <u>(914) 562-7589</u>

SPILL CAUSE: <u>Unknown</u>	SPILL REPORTED BY: <u>Affected Persons</u>
SPILL SOURCE: <u>Commercial/Industrial</u>	WATERBODY: <u></u>

### CALLER REMARKS:

CALLER NOTICED SMOKE COMING FROM THE ABOVE BUILDING - HE BELIEVES  
IT IS AN EMISSION OF SOME KIND BUT NOTHING IS COMING FROM THE  
SMOKE STACKS - THE BUILDING BURNS PETROLEUM CONTAMINATED SOIL

\*\*\*\*\* CALL COMPLAINT \*\*\*\*\*

MATERIAL	CLASS	SPILLED	RECOVERED	RECOURES AFFECTED
UNKNOWN HAZARDOUS MATERIAL	Hazardous Material	0 G	0 G	Air,

## POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
TPST	81 RIVER ROAD NEW WINDSOR ZZ	UNKNOWN

Tank Number	Tank Size	Test Method	Leak Rate	Gross Failure
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### DEC REMARKS:

Prior to Sept, 2004 data translation this spill Lead\_DEC Field was "MCCARTHY"

<u>PIN</u>	<u>T &amp; A</u>	<u>COST CENTER</u>
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CLASS: <u>E5</u>	CLOSE DATE: <u>11/20/1995</u>	MEETS STANDARDS: <u>True</u>
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# NYSDEC SPILL REPORT FORM



DEC REGION:	3	SPILL NUMBER:	9811309
SPILL NAME:	INCINERATOR	DEC LEAD:	dxtraver
CALLER NAME:	[REDACTED]	NOTIFIER'S NAME:	[REDACTED]
CLR'S AGENCY:	[REDACTED]	NOTIFIER'S AGENCY:	[REDACTED]
CALLER'S PHONE:	[REDACTED]	NOTIFIER'S PHONE:	[REDACTED]
SPILL DATE:	12/08/1998	SPILL TIME:	6:00 pm
CALL RECEIVED DATE:	12/08/1998	RECEIVED TIME:	6:22 pm

## SPILL LOCATION

PLACE:	INCINERATOR	COUNTY:	Orange
STREET:	RIVER RD /CULLEN AVE	TOWN/CITY:	**** Unknown ****
		COMMUNITY:	NEW WINDSOR
CONTACT:	[REDACTED]	CONTACT PHONE:	
SPILL CAUSE:	Deliberate	SPILL REPORTED BY:	Affected Persons
SPILL SOURCE:	Commercial/Industrial	WATERBODY:	

### CALLER REMARKS:

Heavy smoke billowing from ininerator plant and bothering local residents - ongoing problem - request callback.

12/9/98 V. McCabe update. Forwarded call to Division of Air. No further action.

MATERIAL	CLASS	SPILLED	RECOVERED	RECOURES AFFECTED
UNKNOWN MATERIAL	Other	0 G	0 G	Air,

## POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
INCINERATOR	RIVER RD /CULLEN AVE NEW WINDSOR ZZ	ABOVE CALLER

Tank Number	Tank Size	Test Method	Leak Rate	Gross Failure
-------------	-----------	-------------	-----------	---------------

### DEC REMARKS:

Prior to Sept, 2004 data translation this spill Lead\_DEC Field was "TRAVER"

PIN

T & A

COST CENTER

CLASS: D4 CLOSE DATE: 12/08/1998 MEETS STANDARDS: True



PBS # :  
3-600847

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Petroleum Bulk Storage Program  
Facility Information Report

Page 1 of 1 pbsfacrpt4\_foij.rpt

Printed : 1/28/2005

ite: TPS TECHNOLOGIES, INC.  
1106 RIVER ROAD  
NEW WINDSOR, NY 12553

Owner: TPS TECHNOLOGIES, INC.  
1106 RIVER ROAD  
NEW WINDSOR, NY 12553

Mail: TPS TECHNOLOGIES, INC.  
1106 RIVER ROAD  
NEW WINDSOR, NY 12553

Town: New Windsor County: Orange  
Operator: ALEXANDER BEDETTI  
Phone: (845) 562-8778  
Emergency : BLAIR DOMINIAK  
Phone: (800) 940-2666

(845) 562-8778  
Owner Type : Corporate or Commercial

ATTN: ALEXANDER BEDETTI  
(845) 562-8778

Auth Rep:

Site Status : Active

Reg Expires : 12/6/05

Last Inspected:

Site Type: : Other

Total Active Tanks : 2

Inspected By:

Active Capacity : 12,000

Cert Printed: 1/2/01

SPDES #

CBS # :

(2) Tank No	(3) Tank Loc	(4) Status	(5) Date Install	(5) Date Closed	(6) Capacity (gals)	(7) Product	(8) Tank Type	(9) Tank IP	(10) Tank EP	(11) Tank SC	(12) Tank LD	(13) Tank OP	(14) Tank SP	(15) Tank Disp	(16) Pipe Loc	(17) Pipe Type	(18) Pipe EP	(19) Pipe SC	(20) Pipe LD	(21) Date Test	(21) Next Test
3		In Service	10/1/98		6,000	2642	01	00	01	01	04	06	02	02	01	02	06		09		
3		Temporarily Out of	10/1/98		6,000	2642	04	03	04	01	04	06	02	02	01	02	06		09		
1		Closed - Removed	10/1/95	10/1/98	4,000	0008	01	00	99	01	00	05		02	01	01	00		ZZ		

Action (1)	Status (4)	Tank Type (8)	External Protection (10/18)	Piping Type (17)	Secondary Containment (11/19)	Piping Location (16)
1. Initial Listing	1. In-service	01. Steel/Carbon Steel/Iron	00. None	00. None	00. None	00. No Piping
2. Add Tank	2. Temporarily out-of-service	02. Galvanized Steel Alloy	01. Painted/Asphalt Coating	01. Steel/Carbon Steel/Iron	01. Diking (A/G)	01. Aboveground
3. Close/Remove Tank	3. Closed-Removed	03. Stainless Steel Alloy	02. Original Sacrificial Anode	02. Galvanized Steel	02. Vault (w/access)	02. Underground/On-gr
4. Information	4. Closed- In Place	04. Fiberglass Coated Steel	03. Original Impressed Current	03. Stainless Steel Alloy	03. Vault (w/o access)	03. Aboveground/Under
5. Recondition/Repair/	5. Tank converted to	05. Steel Tank in Concrete	04. Fiberglass	04. Fiberglass Coated Steel	04. Double-Walled (U/G)	Combination
Reline Tank	Non-Regulated use	06. Fiberglass Reinforced	05. Jacketed	05. Steel Encased in Concrete	05. Synthetic Liner	<u>Pipe Leak Detection (20)</u>
	<u>Product Stored (7)</u>	07. Plastic	06. Wrapped (Piping)	06. Fiberglass Reinforced	06. Remote Impounding Area	00. None
	0000. Empty	08. Equivalent Technology	07. Retrofitted Sacrificial Anode	06. Fiberglass Reinforced	07. Excavation/Trench Liner	01. Interstitial Electronic
<u>Tank Location (3)</u>	0001. #2 Fuel Oil	09. Concrete	08. Retrofitted Impressed Current	07. Plastic	08. Flexible Internal Liner	Monitoring
1. Aboveground-contact	0002. #4 Fuel Oil	10. Urethane Clad Steel	09. Urethane	08. Equivalent Technology	08. Excavation/Trench Liner	02. Interstitial Manual Monito
w/soil	0003. #6 Fuel Oil	99. Other-please list:*	99. Other-please list:*	09. Concrete	(Bladder)	03. Vapor Well
2. Aboveground-contact w/	0011. Jet Fuel	<u>Tank Leak Detection (12)</u>	<u>Tank Leak Detection (12)</u>	10. Copper	09. Modified Double-Walled	04. Groundwater Well
impervious barrier	0008. Diesel	00 None	00 None	11. Flexible Piping	(A/G)	07. Pressurized Piping Leak
3. Aboveground on saddles,	0009. Gasoline	01. Interstitial Electronic Monitoring	01. Interstitial Electronic Monitoring	99. Other-please list:*	10. Impervious Underlayment	Detector
legs, stilts, rack, or cradle	0012. Kerosene	02. Interstitial Manual Monitoring	02. Interstitial Manual Monitoring	<u>Overfill Prevention (13)</u>	11. Double Bottom (A/G)	08. Tank Top Sump (Piping)
4. Aboveground with 10%	0013. Lube Oil	03. Vapor Well	03. Vapor Well	00. None	99. Other-please list:*	09. Exempt Suction Piping
or more below ground	0022. Waste/Used Oil	04. Groundwater Well	04. Groundwater Well	01. Float Vent Valve	<u>Spill Prevention (14)</u>	99. Other-please list:*
5. Underground	0259. #5 Fuel Oil	05. In-Tank System (ATG)	05. In-Tank System (ATG)	02. High Level Alarm	00. None	<u>Dispenser (15)</u>
6. Underground, vaulted,	2642. Used Oil (Fuel)	06. Impervious Barrier/Concrete Pad (A/G)	06. Impervious Barrier/Concrete Pad (A/G)	03. Automatic Shut-off	01. Catch Basin	00. None
with access	9999. Other -please list :*	99. Other-please list:*	99. Other-please list:*	04. Product Level Gauge(A/G)	02. Transfer Station Containment	01. Submersible
				05. Vent Whistle	99. Other - Please list*	02. Suction
				99. Other-please list:*		03. Gravity

\* If other, please list on a separate sheet including Tank Number

**AGENT/OWNER PROXY STATEMENT**  
**(professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

Ira D. Conklin, deposes and says that he resides  
(OWNER)  
at 443 Jackson Ave. in the County of Orange  
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map  
(Sec. 9 Block 1 Lot 98)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in  
the foregoing application and that he designates:


Aly Bedett 1106 River Rd. New Windsor, NY 12553  
(Agent Name & Address)

\_\_\_\_\_  
( Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR  
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHIC EVER IS SOONER.**

SWORN BEFORE ME THIS:

**\*\*** 

Owner's Signature (MUST BE NOTARIZED)

18<sup>th</sup> DAY OF October 2004)

**DONALD CONKLIN**  
NOTARY PUBLIC, STATE OF NEW YORK  
Qualified in Orange County  
Exp. 12/31/2007  
My Comm. Expires: 12/31/2007

  
NOTARY PUBLIC

  
Agent's Signature (If Applicable)

\_\_\_\_\_  
Professional Representative's Signature

**\*\* PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

**THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER**

OCT 20 2004

**04-32**

PROJECT I.D. NUMBER

617.21

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## Appendix C

State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <b>TPS Technologies Inc.</b>	2. PROJECT NAME <b>Soil Remediation</b>
3. PROJECT LOCATION: Municipality <b>New Windsor</b> County <b>Orange</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>1106 River Road New Windsor, NY 12553</b>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>See comment No. 1</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>2.47</b> acres    Ultimately <b>2.47</b> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency name and permit/approval <b>NYS DEC - Air Certificate to operate No. 3-3348-00150/00007</b> <b>NYS DEC - Solid Waste Management Permit No. 3-3348-00150/00001</b>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <b>Aly Bedetti</b> Date: <b>10-18-04</b>	
Signature: <b>Aly Bedetti</b>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OCT 20 2004

OVER

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04-32



**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.  
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
☐ Yes ☒ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
 See Comment No. 2

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
 No Impact

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
 No Impact

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
 No Impact

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
 No Impact

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.  
 None other than the Company may seek to hire two more employees

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.  
 None other than the energy required to operate 25 hours more per week.

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
☐ Yes ☒ No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

TPS Technologies Inc.  
 Name of Lead Agency

Aly Bedetti  
 Print or Type Name of Responsible Officer in Lead Agency

Facility Manager  
 Title of Responsible Officer

*Aly Bedetti*  
 Signature of Responsible Officer in Lead Agency

*[Signature]*  
 Signature of Preparer (If different from responsible officer)

10-18-04 Date OCT 20 2004